3428.

SUPREME COURT OF THE UNITED STATES.

No. 267.

THE UNITED STATES, APPELLANTS,

vs.

JOHN JOHNSTON AND HARRIET JOHNSTON, HEIRS AND REPRESENTATIVES OF JAS. JOHNSTON, DECEASED.

APPEAL FROM THE DISTRICT COURT, UNITED STATES, FOR LOUISIANA.

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2429.

UNITED STATES DISTRICT COURT,
Eastern district of Louisiana.

Sitting in chancery.

JOHN JOHNSTON and Harriet Johnston
vs.
THE UNITED STATES. } No. 11.

Be it remembered, that heretofore, to wit, on the sixteenth day of March, being at the February term, A. D. 1846, of the said court, John Johnston and Harriet Johnston, by their solicitors, Preston & Rice, esqrs., came into the office of the clerk of said court, and filed their petition, which is in the words and figures following, to wit:

To the honorable T. H. McCaleb, judge of the district court of the United States for the district of Louisiana, holding sessions in the city of New Orleans.

The petition of John Johnston and Harriet Johnston, residents of the city of New Orleans and State of Louisiana, respectfully represents, that they are the only surviving heirs and representatives of James Johnston, who departed this life, in the city and State aforesaid, in the year of our Lord 1818, as will appear by his mortuary proceedings in the probates of the parish of Orleans; a copy of which, if necessary, will be furnished on the trial of this cause.

Your petitioners further represent, that, on the 2d day of January, A. D. 1804, Juan Ventura Morales, intendant for the King of Spain of the then Spanish province of West Florida, after the usual and formal proceedings, made a grant of land, lying in the district of Baton Rouge, to Manuel de Lanzos for and in consideration of the appraised value thereof, which was paid by him into the royal treasury.

Your petitioners represent, that the said tract of land was surveyed by Charles Trudeau, the surveyor general of the Spanish Government, and is fully described in a plat made by him, bearing date the 25th of November, A. D. 1803, and numbered 1651 of his surveys, and the process verbal annexed; which land bounds on Feliciana or Thompson's creek on the west, and runs east on the line between the States of Mississippi and Louisiana thirty miles.

Your petitioners further represent, that their ancestor, James Johnston, applied to the register and receiver of the land office at St. Helena to register and confirm their title to said tract of land; and that the same was recorded by Charles S. Cosby, the register, as number 153, in book F, page 442; but that the board of commissioners of the United States refused to confirm the same, on the pretence that the territory belonged to the United States at the date of the grant.

Your petitioners aver, that at the time of the grant there had been no transfer of the said territory to the United States, and that it actually

remained the territory of Spain, and the intendant aforesaid had full authority to make the grant, and the same was and is good and valid against the government of Spain and the United States; nevertheless, your petitioners have had no opportunity to maintain these positions until since the passage of the act of Congress, approved the 17th day of June, A. D. 1844, authorizing suits to be instituted against the United States for the purpose of trying titles to land in the State of Louisiana and for other purposes and except under the said act they are without remedy to establish the validity of their claim.

Your petitioners further represent, that Manuel de Lanzos sold the said tract of land to Bartholomy Bosque, by act before N. Brontin, notary public, on the 30th day of January, A. D. 1806, and that Bosque sold the same to the creditors of George T. Philips, by act before Pierre Pedesclaux, notary public, on the 11th day of May, A. D. 1808, which said creditors and purchasers made a partition and division thereof, by act before the said notary, on the 11th day of May, A. D. 1809; and James Johnston, the ancestor of your petitioners, acquired title to the whole of said tract of land from the different creditors and purchasers, by various subsequent conveyances, all of which are herewith exhibited to the court, and the same descended to your petitioners, the only surviving children and heirs of the said James Johnston.

Your petitioners allege that the whole of the land covered by their claim is owned and possessed by persons claiming the same by sale, donations, or otherwise, under the authority and laws of the United States, as appears by the township map of said section of country, on file in the office of the surveyor general of the United States, for the State of Louisiana.

Your petitioners cannot contest said claims, and they admit that they have no claim or remedy against the possessors of said land, and they can only claim from the United States the right to locate, with full title, an equal quantity of land—thirty-five thousand five hundred sixty and eighty-one hundredths arpents ($35{,}560\frac{81}{100}$ arpents)—on other public lands of the United States, which they claim to establish their right to do in this honorable court, under the aforesaid act of June the 17th, 1844; wherefore, the premises and exhibited documents considered, your petitioners respectfully pray leave to claim said tract of land against the United States alone, that a copy of this petition be served upon the district attorney of the United States, for the district of Louisiana; that their claim be adjudged good and valid against the United States, and that they be decreed the right to locate with full title elsewhere, according to law, a quantity of land equal to that contained in their claim.

And they pray for all general relief in the premises that may to justice and equity appertain.

(Signed) ISAAC T. PRESTON,
" G. C. RICE,
For petitioners.

And afterwards, at the same term of this court, to wit, on the 17th day of March, 1846, the following citation in chancery was issued from the office of the clerk in this case:

United States district court, sitting in and for the district of Louisiana, to the marshal for the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon Solomon W. Downs, esq., United States district attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the district of Louisiana, at a district court to be holden at New Orleans, on the first Monday of April, 1846, then and there to answer a petition in chancery filed against the United States, wherein John and Harriet Johnston are petitioners, and the United States are respondents.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this seventeenth day of March, New Orleans, 1846, and 70th year of American [SEAL.] independence.

(Signed) N. R. JENNINGS, *Clerk*,
By L. E. SIMONDS, *D'y Clerk*.

Mem.—The respondents are to enter their appearance in the above entitled cause, in the clerk's office, on or before the first Monday of April, 1846, otherwise the petition may be taken pro confesso.

(*Marshal's return on the foregoing citation.*)

Received this 17th day of March, 1846, and on the 17th day of March, 1846, served copies of the within citation, plaintiffs' petition and documents annexed, on the within named S. W. Downs, United States district attorney, in the manner following, to wit, by handing the same to him in person, in the city of New Orleans.

(Signed) W. F. WAGNER,
U. S. Marshal.

Returned and filed March 18th, 1846.

(Signed) N. R. JENNINGS, *Clerk*,
By L. E. SIMONDS, *D'y Clerk*.

And afterwards, at the same term of this court, to wit, on the 15th day of April, 1846, the following demurrer was filed of record in this case:

JOHN JOHNSTON and HARRIET JOHNSTON
vs.
THE UNITED STATES OF AMERICA.

To the honorable the district court of the United States for the district of Louisiana.

The United States of America, through their attorney, S. W. Downs, by protestation, not confessing all or any of the matters and things in

the petition of John Johnston and Harriet Johnston contained to be true, in such manner and form as the same are therein set forth and alleged, do demur to said petition, and for cause of demurrer—

1. Show that the said petitioners have not, by the said petition, made such a case as entitles them in this case to any discovery from the said United States, or any relief against them as to the matters contained in said petition, or any of such matters.

2. And for further cause of demurrer the said United States, through their said attorney, say that petitioners, by their said petition, do not show that said petitioners, or the persons under whom they claim, resided within the late province of Louisiana on or before the tenth day of March, one thousand eight hundred and four.

3. And for further cause of demurrer the said United States, through their said attorney, say that petitioners, by their said petition, do not show that their pretended grant was protected or secured by the treaty between the United States of America and the French republic, of the 30th April, 1803.

4. And for further cause of demurrer the said United States, through their said attorney, say that the said petitioners, in their said petition, do not set forth the name or names of the person or persons claiming the land which the said petitioners allege to belong to said petitioners, which said person or persons said petitioners say claim by a different title from them, the said petitioners.

Wherefore, and for divers other good cause of demurrer appearing in said petition, the United States do demur thereto; and they pray the judgment of this honorable court, whether they shall be compelled to make any further and other answer to the said petition; and they further pray that the said petition be dismissed at the cost of said petitioners. And if the various causes of demurrer herein set forth be overruled by the court, then these respondents pray that, before they be required further to answer, the petitioners be ordered to file in court all the letters, documents, title, surveys, and such other written evidence of title as the said petitioners rely on to establish their claim.

(Signed) E. WARREN MORSE,
For S. W. DOWNS,
U. S. att'y, dist. Louisiana.

And afterwards, at the same term of this court, to wit, on the 23d day of April, 1846, the following entry was made of record in this case, to wit:

J. & H. JOHNSTON
vs. } 11.
THE UNITED STATES.

This cause being called for hearing on the demurrer filed, it is ordered, on motion of the United States attorney, that the same be continued till Thursday, April 30th, 1846.

And afterwards, at the same term, to wit, on the 30th of April, 1846, the following entry was made of record in this case, to wit:

J. & H. JOHNSTON vs. THE UNITED STATES. } 11.

This cause being called for hearing on the demurrer on file, I. T. Preston, esq., appeared for the petitioners, and S. W. Downs, United States attorney, for the respondents; and, after hearing the arguments of said counsel, the court took the matter under consideration.

And afterwards, at the May term of this court, to wit, on the 26th of May, 1846, the following judgment was rendered and entered of record on the demurrer, to wit:

J. & H. JOHNSTON vs. THE UNITED STATES. } 11.

The demurrer in this cause to the petition of the petitioners having been taken under consideration on the 30th ultimo, and having been duly considered, it is now ordered that said demurrer be sustained, and that the petitioners have leave to amend their petition.

And afterwards, at the February term of this court, to wit, on the 5th day of March, 1849, the following amended bill and petition was filed of record in this case, to wit:

To the honorable district court of the United States, for the district of Louisiana.

The amended petition of John Johnson and Harriet Johnson, in the suit against the United States for lands, filed by leave of the court, respectfully shews:

That Manuel Lanzos, to whom the land claimed by your petitioners was granted by the Spanish government, was a resident of the province of Louisiana at the date of the grant, and of all proceedings to obtain the same also, on the 10th day of March, 1804; and the grant was protected and secured by the treaty between the United States of America, and the French republic, of the 30th of April, 1803, if the said treaty ceded to the United States the province of West Florida; and your petitioners further shew, that it is immaterial to the United States for them to set forth the names, and cause to be cited all the persons holding the lands claimed by them, as in point of fact the whole of the land is claimed by persons holding titles under the United States.

Moreover, your petitioners deny that their laws under which they are prosecuting this equitable action, require the names of the claimants adverse to them to be stated, or that said persons should be cited, the more especially, as your petitioners can claim nothing from them. Wherefore your petitioners respectfully pray from this honorable court, the relief claimed by them in their original petition, and for all other relief the nature of the case may require.

As in duty, &c.

(Signed) ISAAC T. PRESTON,
Att'y for plaintiffs.

(On the foregoing amended bill, the following order was endorsed:)

Let this supplemental bill be filed.

(Signed) THEO. H. McCALEB,
U. S. Judge.

And afterwards, at the same term, to wit, on the 6th day of March, 1849, the following entry was made of record in this case, to wit:

J. and H. JOHNSTON
vs.
The UNITED STATES. } 11.

This cause was regularly taken up to-day for hearing, I. T. Preston, esq., solicitor, for the complainants, and the U. S. district attorney for the defendants, present. Evidence was adduced and offered by the complainants, and argument heard on behalf of the defendants; when it appearing to the court that the plaintiffs have lately, to wit, on the 5th instant, filed as by leave granted of record, on the 26th of May, 1846, an amended petition, which, owing to the short lapse of time between the filing thereof and the opening of this cause, the defendants have not been cited to answer; it is now, by consent of the attorney of the United States, and of the solicitor of the complainants,

Ordered, that the answer of the defendants, and a general replication by the plaintiffs, be filed nunc pro tunc. Whereupon the case was submitted to the consideration of the court.

And further, on the same day, the following answer was filed of record in this case, to wit:

The HEIRS of JAMES JOHNSTON
vs.
The UNITED STATES.

In the district court of the United States, for the district of Louisiana. Present, the honorable Theodore H. McCaleb, judge.

The answer of the United States to the petition and bill, and to the supplemental petition and bill, filed by the heirs of James Johnston, respectfully shows:

The attorney of the United States aforesaid, now and at all times hereafter, reserving to himself, and to the said defendants, all and all manner of benefits and advantage of exception, which can or may be had or taken to the many errors, uncertainties, and other imperfections in the said complainants' bill of complaint and petition, and in the said complainants' supplemental bill of complaint and petition, contained, for answer thereunto, or unto so much and such parts thereof as the attorney aforesaid, and these defendants, are advised is or are material for them, or necessary for them to make answer unto; these defendants and the attorney aforesaid say, that the present action cannot be maintained, because the petitioners have not named and joined as parties defendant to the action those parties who are in possession of the land claimed in the petition, and who lay claim to the same by adverse title.

And further answering, the attorney aforesaid says that he is a stranger to the several matters and things in the said complainant's said bill of complaint and petition contained, and of all of them he demands strict and full proof.

And the attorney aforesaid says, that he claims such rights and interests under the treaties and laws of the United States, pertinent to this matter, for and on behalf of the United States, as this honorable court shall be of opinion that the United States are entitled to.

All of which matters and things the defendants are ready and willing to aver, maintain, and prove, as this honorable court shall direct, and they humbly pray to be hence dismissed with [their] reasonable costs.

(Signed) THOMAS J. DURANT,
Att'y U. S. for La.

And further, on the same day, the following replication was filed of record in this case, to wit:

To the honorable district court of the United States, for the eastern district of Louisiana.

The replication of John and Harriet Johnson to the answer of the district attorney of the United States, in their suit against the United States, respectfully shews:

That they insist on all allegations in their petition and amended petition as true, and that in law and equity the same entitles them to the relief prayed for by them.

And they deny such allegations in the answer, as tend to deprive them of that relief. Wherefore, they insist upon the relief prayed for, and all other relief the case may require.

As in duty bound, &c.

(Signed) ISAAC T. PRESTON,
Solicitor for them.

And further, on the same day, on the trial of said case, the following documents were offered in evidence by the plaintiffs, to wit:

1o. Document A, being the original grant in favor of Manuel Lanzos, for 35,000 arpents of land in the district of Baton Rouge, granted the 2d of January, 1804, by Juan Ventura Morales. Survey by Carlos Trudeau, No. 1651, dated the 21st of November, 1803; and recorded by Charles S. Cosby, No. 153, in book F, page 442. Which document is in the words and figures following, to wit:

Titulo de consecion por venta hecha por la rl. hacda., al Capn. Dn. Manuel de Lanzos de 35,000 arpanes de tierra planos, en el distrito de Baton Rouge.

Dn. Juan Ventura Morales, contador de exercito y intendente, y super intendente interino de la provincia de la Florida occidental, ntro. encargado para el arreglo y conclucion de los asuntos de rl. hacienda en esta de la Luisiana.

Por quanto habiendose presentado en este tribunal, Don Manuel de Lanzos, capitan de ex'to retirado, solicitando la consecion de treinta y cinco mil arpanes de tierra planos, de las vacantes y realengas en el distrito de Baton Rouge, los que propuso comprar a la real hacienda, y pagar en certificaciones de credito despachadas por este ministerio, mandé que a continuacion se pusiese por secretaria copia certificada del oficio dirigido por la intendencia á los señores commisarios de la entrega de esta provincia, de resultas de haber solicitado Don Thomas Urquhart, comprar cinquenta mil arpanes de tierra, en el propio parage, y de la respuesta que dieran dicho señores, y que se diese vista al señor fiscal ; que verificados estos pasos, y no resultando contradicion a la solicitud, de la respuesta dada por el citado señor fiscal, que opino favorable, y pidiendo se pasase orden al Señor Coronel Don Carlos de Grand Pré, gobernador y subdelegado de real hacienda en Baton Rouge, para que nombrase dos habitantes expertos, que en calidad de estimadores, con otros dos que señalase el comprador, y con dos testigos de assistencia, se prosediese al justiprecio, apeo, y deslinde de los treinta y cinco mil arpanes de tierra, y que remitiese las diligencias para lo demas propuesto; que en seguida mandé poner testimonio del decreto con que se pasó a la consulta del señor auditor de guerra, el expediente promovido por el indicado Urquhart, y del dictamen que extendio en consequencia, lo que verificado provey auto mandando librar despacho al enunciado señor gobernador y subdelegado de real hacienda, como propuso el señor fiscal, y para los efectos que determinó, como efectivamente se verifico; que en virtud del despacho se dio curso a las diligencias, y desde luego se midieron, deslindaron, apearon, y amojonaron los treinta y cinco mil arpanes de tierra, que resultaron planos solicitados por el referido Capitan Don Manuel de Lanzos, cituados que estan en el distrito de Baton Rouge, conforme se manifiesta de la medida, y plano figurativo del agrimensor Don Vicente Pintado, que verifico la operacion colocados todos en un cuerpo, de cuyo parage, linderos, y rumbos de su colocacion se hara relacion, cuyos treinta y cinco mil arpanes de tierra planos, resultaron tazados a un real de plata fuerte cada uno, de que mandé dar vista al señor fiscal, quien contexto opinando sobre la aprovacion de la estimacion, y que por los oficios principales de cuenta y razon se ajustase el valor de las tierras, y que previo el entero en Rs. Caxas, se despachase el titulo en forma; que en consequencia, y areserba de lo pedido por dicho señor fiscal, mande pasar el expediente al agrimensor general, Don Carlos Trudeau, para que examinase la operacion del particular, Don Vicente Pintado, y que hallandola conforme tomase razon en sus libros del plano que demostraba los treinta y cinco mil arpanes de tierra solicitados por el Capitan Don Manuel de Lanzos, y que proveyese del duplicado que debia accompañar al titulo, que verificadas estas formalidades, por decreto de veinte y dos de Noviembre anterior, aprové la estimacion hecha a los treinte y cinco mil arpanes de tierra, a razon de un real de plata cada uno, y que para que se efectuase lo demas pedido por el señor fiscal, en su ultima representacion pasase el expediente a los señores ministros de real hacienda; que en consequencia y formalisado el ajuste del valor de la tierra mencio-

nada, verifico el citado Don Manuel de Lanzos el entero en arcas reales, de treinta y seis mil treinta y dos reales, diez y siete mrs. de plata; los treinta y cinco mil, por el importe de otros tantos arpanes de tierra planos, al respecto de un real cada uno, y los mil treinta y dos y medio reales restantes, por el dos y medio por ciento de media annata, y diez y ocho por ciento de conduccion á España; segun se acredita de la carta de pago despachada por el ministerio de real hacienda, con fecha treinta y uno de Deciembre ultimo, a que me remito. Por tanto; y constando, que los mencionados treinta y cinco mil arpanes de tierra planos, pretendidos por el enunciado Capitan Don Manuel de Lanzos, estan cituados en el distrito de Baton Rouge, lindando por la parte septemtrional con la linea entre la linea que distingue los limites de S. M. C. mi señor, y los Estados Unidos de America, por cuya parte se estiende desde la orilla oriental, del brazo del medio del rio de la Feliciana, acia el este, hasta el poste, o piramide marcado con el No. 30, que son millas Inglesas, a la parte meridional con tierras vacantes, por la oriental con las de Don Jayme Iorda, y por la occidental se termina en la orilla del ante dicho rio, obrazo del medio de el, segun se evidencia del plano, No. 1651, que para la constancia, é inteligencia de la relacion hecha, se unira con este titulo. Por tanto, y usando de las facultades que me son conferidas, en nombre del Rey, nro. señor, (Dios le guarde,) concedo al nominado Capitan Don Manuel de Lanzos, los treinta y cinco mil arpanes de tierra planos constantes del referido plano, á titulo de venta, en el parage de su situacion, y distrito de Baton Rouge, vaxo los linderos, rumbos, y distancias que se han relacionado, y de que se trata en la medida practicada; y en consequencia le imparto entero y directo dominio de ellos, para que, como tierras propias suyas, respecto a haberlas comprado y pagado a la real hacienda, las posea, cultive, y disponga de ellas á su voluntad; y le doy poder para que aprehenda la posecion de los indicados treinta y cinco mil arpanes de tierra planos, y en la que desde luego le pongo y amparo, sin perjuicio de tercero que mejor derecho tenga. En fé de lo qual mandé librar el presente, firmado de mi mano, sellado con el de mis armas, y refrendado del infrascripto esc'no de real hacienda, quien, como la contaduria pral., tomoza la razon.

Dado en la Nueva Orleans, a dos de Enero, de mil ocho cientos quatro. (En m'do Diziem. con Ve., in original)

(Signed) JUAN VENTURA MORALES,
[SEAL.] *Por mdo. del Sor. Intendente.*
(Signed) CARLOS XIMENES.

Queda tomado razon del titulo antecedente desde lat. 40, habita la 43 inclusive, del libro que esta á mi cargo destinado á el efecto, para las de esta clace.

(Signed) CARLOS XIMENES.

Tomose razon en la cont. pl. de exto. y real hacienda del ministerio de nuestro cargo al folio 38 del libro, destinado á este fui. Nueva Orleans, veinte y siete de Enero, de mil ochocientas quatro.

(Signed) GILBERTO LEONARD.
" MANUEL ARMIREZ.

(For map see original.)

Don Vicente Pintado, capitan de cavaleria de milicias, y sego. agrimensor de esta provincia, &c.

Certifico: Haver dado posesion á Don Manuel Delanzos, por medio de apoderado en este puerto, de un terreno de trenta y cinco mil arpanes planos, de cien perchas de Paris cada arpan, siendo la percha lineal de dies y ocho pies de la misma ciudad, segun costumbre agraria en esta provincia, los que compra de la real hacienda, el antedo. interresado; y fueron mandados á medir y apreciar por despacho del tribunal de real hacienda, con fecha trenta de Septiembre ultimo, cometido al senor Don Carlos de Grand Pré, coronel de los reales exos., gobernador de estas establecimientos, y subdelegado de la intendencia general de esta provincia, dicho tereno esta situado en la jurisdicion de Baton Rouge, de este gobierno imediato, y lindado por la parte septentrional, con la linea de limite entre estos dominios de S. M. (qui Dios garde) y los Estados Unidos de America, por cuya parte se extiende desde la orilla oriental del brazo del medio del rio de la Feliciana Yazia, el este hasta el poste ó piramide marcado con el numero trenta, que son millas Inglesas, medidos en dha. linea de limite, á la parte meridional con tierras vacantes. Por la oriental se termina en la orilla del antedo. brazo del medio del rio de la Feliciana. Como mas compliamente le demuestra el plano figurativo que antecede, en el que va figurado el terreno, con sus direcciones de la bruxula, dimenciones en percha lineales, mojones, linderos, y confines, naturales y artificiales, los antedhos. trenta y cinco mil arpanes planos, fueron evaluados en trenta y cinco mil reales de plata fuerte. Por los peritos nombrados, (a saver) Don Pedro Allin y Don Felix Berno. Dumontier por parte de la real hacienda, y Don Philipe Heky, y Don Bernardo Dubrocar, por parte del intereso; lo que pratico en presencia de los testigos de asistancia Don Antonio Gras y Don Thomas Valentin Dalton, lo firmaron estos dho. estimadores, en Baton Rouge, á tres dies del mes de Noviembre, de mil ocho cientos y tres años. Assi firmado. Pedro Allen, Vicente Sebastiano Pintado, Felix Bernardo Dumontier, Bernardo Dubrocar, Philipe Heky, Antonio Gras, y T. V. Dalton, (y mas abajo.)

En la oficina de agrimensura general, se tomo razo, de los planos y relacion, sentados en el libro D, No. 4, fol. y vo. 67, No. 1651 de las expds. de apeo, firmado yo el presente agra. Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, &ca.

Certifico, las presentes copias, conforme á los originales, que se hallan agregados en los expedientes del asunto. Doy la presente en virtud del senor intendente general, en fecha quatorze del presente mes. Noviembre, veinte y uno de mil ocho cientos y tres años.

(Signed) CARLOS TRUDEAU, *Agr. Gral.*

2436.

Louisiana. Recorded in the office of the clerk to the commissioner of land claims west of Pearl river, and east of the Mississippi, in lib. F, No. 1, fol. 442, &c.

(Signed) CHARLES S. COSBY, *Clerk.*

(Translation of the foregoing document.)

Don Juan Ventura Morales, (contador de exercito,) comptroller for the army, intendant, and superintendant, pro tempore, of the province of West Florida; minister commissioned for the adjustment and settlement of the affairs of the royal treasurer in the province of Louisiana.

Whereas Manuel de Lanzos, captain of the army, (not in service) has presented himself before this tribunal, soliciting the grant of thirty-five thousand superficial arpents of land of the vacant crown lands in the district of Baton Rouge, which he proposes to buy of the royal treasury, and pay in certificates of credit issued by this Government, I ordered, in consequence of said demand, that a certified copy should be furnished by the secretary, of the official letter addressed by the intendancy to the commissioners appointed for the transfer of this province, in relation to the petition of Don Thomas Urquhart, asking to purchase fifty thousand arpents of land in the same district, and of the answer which the said commissioners gave, and that the same be submitted to the (senr. fiscal,) solicitor of the Crown. These formalities having been fulfilled, and no opposition being made to the said petition, from the answer given by said senr. fiscal, whose opinion was favorable thereto, and recommended that an order should be given to Col. Carlos de Grandpré, governor and subdelegate of the royal treasury in Baton Rouge, to appoint two citizens of experience, who in the character of appraisers, with two others to be designated by the purchaser, and two witnesses, they should proceed to the appraisement, survey, and define the limits of the thirty-five thousand superficial arpents of land, and make a return of these proceedings in order to carry out the object contemplated. I further ordered to be made out a certified copy of the order under which the auditor of war was consulted in relation to the proceedings in the case of said Urquhart, and of the opinion which he (the auditor of war) expressed, which being done, I approved the same, directing that an order be sent to the said governor and subdelegate of the royal treasury, as recommended by the senr. fiscal, and for the purposes which he determined. Which was accordingly done; that in virtue of said order the operations were performed, and forthwith were measured, surveyed, and the limits defined and marked, of the thirty-five thousand arpents of land, (by superficial measurement,) solicited by the said Captain Manuel de Lanzos, situated in the district of Baton Rouge, as it appears from the measurement and figurative plan made by the surveyor Don Vincente Pintado, who executed the operations, located said lands in a single body, of whose place, boundaries, and directions, mention will hereafter be made, which thirty-five thousand superficial arpents were valued at one real (or bit) of silver each, which appraisement I ordered to be submitted to the senr. fiscal, who answered that he was of opinion it should be ap-

proved, and the principal officers of cuenta y razon (amounts and registers) should make out the calculation of the amount due for the land, and on the payment of the amount in the royal coffers a title of property in form should be given to the party; that in consequence and agreeably to the recommendation of the senr. fiscal, I directed an order to be sent to the surveyor general, Don Carlos Trudeau, to examine the operations of the aforesaid Don Vicente Pintado, and if he found them correct, he should record in his books the plan representing the thirty-five thousand arpents of land solicited by Captain Manuel de Lanzos, and furnish a duplicate of the same to accompany the title; that these formalities having been complied with, I approved by a decree, bearing date of the 22d of November last, the appraisement of the thirty-five thousand arpents of land at the rate of one real in silver for each arpent, and in order that the other matters mentioned by the senr. fiscal in his last communication should be carried through, I ordered that the proceedings be sent to the ministers of the royal treasury; that in consequence thereof, and the calculation of the value of the above mentioned land having been made, the said Manuel de Lanzos did pay the whole amount in the royal coffers, to wit, thirty-six thousand and thirty-two reales and seventeen maravedis of silver; the thirty-five thousand for the value of as many acres of land at the rate of one real each, and the remaining one thousand and thirty-two and half reales for the two and a half per cent. half yearly tribute, and eighteen per cent. for its transportation to Spain, as results from the receipt of payment delivered by the ministers of the royal treasury, bearing date the 31st of December last, to which I refer; accordingly, it being evident that said thirty-five thousand arpents of land solicited by said Manuel de Lanzos are situated in the district of Baton Rouge, adjoining on the north by the line between the line which divides the limits of his Catholic Majesty, my lord, and the United States of America, on which side it extends from the east bank of the middle branch of the river Feliciana, in the direction east as far as the post or column marked 30, which are English miles, on the south by vacant lands, on the east by the lands of Jayine Jorda, and on the west it terminates at the bank of the aforesaid river, or the middle branch thereof, as it appears from the No. 1651, which for evidence and perfect understanding of the above description shall be annexed to this title. Therefore, and in conformity with the powers delegated to me, in the name of the King our lord, (whom may God preserve) I concede to the said Manuel de Lanzos, the thirty-five thousand superficial arpents of land represented in the plan alluded to, by title of sale, in the place of their location, and district of Baton Rouge, agreeably to the boundaries, distances, and points of the compass, all which have been described and are mentioned in the survey or measurement made, and consequently I impart to him entire and full sovereignty over said land, so that as his own property, from having purchased and paid for the same to the royal treasury, he may possess, cultivate, and dispose of them at his pleasure; and I do authorize him to take possession of the said thirty-five thousand arpents

of land, in which possession I do hereby place him, without prejudice to any third person who might have a better right. In faith of which I have given these presents, signed by my hand, sealed with my coat of arms, and countersigned by the undersigned notary of the royal treasury who as well as the principal comptroller will register the same.

Given in New Orleans, on the second day of January, one thousand eight hundred and four.

JUAN VENTURA MORALES.

By order of the sen'r intendant.

CARLOS XIMENES.

The foregoing title has been recorded in folio 40 to 43 inclusively, of the book under my charge destined to that purpose, and for titles of the same nature as the above.

CARLOS XIMENES.

Registered in the office of the principal comptroller for the army, and also in the office of the royal treasury, both of which are under our charge, at page 38 of the book destined to that effect and purpose.

GILBERTO LEONARD,
MANUEL ARMIREZ.

Don Vincente Pintado, captain of militia cavalry, and deputy surveyor of this province, &c., I hereby certify, having given possession to Don Manuel de Lanzos, through his attorney in fact in this place, of a tract of land of thirty-five thousand superficial arpens, of one hundred perches of Paris each, the lineal perch being of eighteen feet of said city of Paris, conformably to the measurement in use in this province, which land was purchased from the royal treasury by the said De Lanzos, and was ordered to be measured and valued by an order issued by the tribunal of the royal domains, dated 30th of September last, directed to Don Carlos de Grandpré, colonel of the royal armies, governor of these settlements, and sub-delegate of the general intendancy of this province; said land is situated in the jurisdiction of Baton Rouge, adjoining and bounded on the north by the boundary line between the domains of his Catholic Majesty (whom may God preserve) and the United States of America, on which part it extends from the east bank of the middle branch of the river Feliciana in the direction east to the post or column marked number thirty, (said boundary line being measured by English miles,) on the south by vacant lands, on the west it terminates at the bank of the aforesaid middle branch of the river Feliciana; all which are more clearly and distinctly exhibited in the figurative plan which precedes, and in which the said tract of land, with its boundary lines by the compass, dimensions in lineal perches, courses, limits, mounds, and other natural and artificial limits, are represented; the said thirty-five thousand arpents were appraised at thirty-five thousand reals (bits) of silver by the appraisers appointed, to wit, Don Pedro Allen and Don Felix Bernardo Dumontier, on the part of

the royal treasury, and Don Philip Hicky and Don Bernardo Dubroca, on the part of the said Lanzos, which appraisement was made in presence of the witnesses, Don Antonio Gras, and Don Thomas Valentine Dalton, who signed the same with said appraisers in Baton Rouge, on the 3d day of the month of November, 1803. Thus signed, Pedro Allen, Vincente Sebastien Pintado, Felix Bernardo Dumontier, Bernardo Dubroca, Philip Hicky, Antonio Gras, and P. V. Dalton, and underneath. In the office of the surveyor general, the foregoing plan and description were recorded in book D, No. 4, folio 67, No. 1651, of the operations of survey. Signed by me, the surveyor general.

DON CARLOS TRUDEAU,
Sur'yor royal and special of the province of Louisiana, &c., &c.

I certify the foregoing to be true copies from the originals which are annexed to the proceedings having reference to this subject, and I give these presents, in obedience to the decree of the general intendant, bearing date of 14th instant. November 21st, of the year 1803.

CARLOS TRUDEAU, *Sur. Gen.*

2°. The plaintiffs offered in evidence, the deposition of Bernard Marigny, taken before C. W. Horner, United States commissioner; which deposition is in the words and figures following, to wit:

The heirs of JAMES JOHNSON
vs.
The UNITED STATES OF AMERICA.

Bernard Marigny, a witness for the complainants, being duly sworn, doth depose and say, that he is a native of this country; sixty-three years of age; he was well acquainted with Manuel Lanzos, who was a resident of Louisiana before and after the cession of the country from France to the United States; he had been a captain and officer in the Spanish service; he was well acquainted with the intendant of the province, Juan Ventura Morales; he was charged immediately before the change of government with the disposition of the king's lands; deponent knew his signature well, and that of Laveau Trudeau, the surveyor general of the province of Louisiana, and their signature to the documents annexed to the complainant's bill of complaint, marked A, are genuine.

Cross examined.

Has looked at the signature of Morales to document A, and recognises the signature; he was witness's father-in-law, and has plenty of his signatures in his possession; knows the seal, and although very old, recognises it as the seal of Morales attached to the signature; knew Carlos Ximenes; he was a notary in the time of the Spanish government; recognises his signature attached to the same document.

(Signed) BERNARD MARIGNY.

Sworn to and subscribed before me, this 6th March, 1849.

(Signed) CHARLES W. HORNOR,
U. S. Com'r for La.

3°. The plaintiffs offered in evidence document marked "B," said document being an act of sale from M. de Lanzos to B. Bosque, before N. Brontin, notary, dated the 30th of January, 1806, which document is in the words and figures following, to wit:

Sepan quantos esta carta vieren, como yo; Dn. Manuel de Lanzos, capitan retirado al servicio de S. M. C., y vecino de esta ciudad de la Nueva Orleans, otorgo que vendo realmente y con efecto a Dn. Bartholome Bosque, de este vecindario y comercio una trra. mia propia, cituado en el districto de Baton Rouge, de treinta y cinco mil arpanes de superfice, lindando con la parte septentrional con la linea de limites entre los dominios de S. M. C., y los de los Estados Unidos de America, segun y conforme al plano figurativo hecho por Dn. Vicente Pintado, segundo agrimensor, y certificado y firmado por Dn. Carlos Laveau Trudeau, primer agrimensor general que fue de esta provincia, con fha. tres de Noviembre de mil ocho cientos tres, la misma tierra me pertenece por haberla comprado de le real hacienda, segun consta del titulo que me entrego el Señor Dn. Juan Ventura Morales, intendente interino por S. M. C , con fha. dos de Enero de mil ocho cientos quatro; y se los vendo al antedho. con sus entradas, salidas, usos, costumbres, dros., y servidumbres, libre de gravamen é hipotecas, en precio de seis mil quinientos sesenta y dos pesos quatro reales, que me ha pagado de contado de que me doy por entregado á mi voluntad renuncio la prueva leyes de la entrega y otargo formal recivo; mediante lo qual me aparto y separo del dro. de propriedad, posecion, util, dominio y señorio, que ha dhos. treinta y cinco mil arpanes de tierra havia y tenia, y todo lo cedo, renuncio, y traspaso en el comprador, y en quien su causa y dro. huviese para que como suyos propios los posea, venda, cambie ô enagene à su voluntad, en virtud de esta escritura, que a su favor otorgo en señal de real entrega, con lo que have ser visto haver adquirido su posecion, sin que necesite de otra prueba de que lo relivo, y si en adelante se hallase alguna contestacion sobre la venta que me hizo la real hacienda de dhas. tierras, no estan obligado ni venido para ello de ninguna responsabilidad, ni citado a evicion, sino que pongo en mi lugar el enunciado Dn. Bartholome Bosque, quien en caso de contestacion tendra su recurso solamente contra la real hacienda, quien me vendio dha. trra., o contra quien haya lugar en derecho, y estando presente a esta escritura, yo, el referido Dn. Bartholome Bosque, la accepto á mi favor, reciviendo por ella comprado dhos. treinta y cinco mil arpanes de tierra, en la cantidad y conformidad que me van vendidos sin tener nada que repetir ni reclamar contra el vendedor pues es visto por esta escritura que me pongo en su lugar y plaza. En cuyo testimonio es fha. la carta en la cindad de la Nueva Orleans, a treinta de Enero de mil ocho cientos seis años, y Narciso Brontin, notario publico de los Estados Unidos de America, en esta dha. cindad, doy fée conosco a los otorgantes quienes firmaron, siendo testigos Dn. Francisco Munhall y Antonio Fromentin, vecinos y presentes, haviendo el comprador del vendedor el

titulo de venta, que le hizo la real hazienda, como el plano figurativo de dha. trra.

MANUEL DE LANZOS,
BARTE. BOSQUE,
FRA'CO MUNHALL,
ANTONIO FROMENTIN,
NARCISUS BRONTIN, *Not'y Pub.*

Certifico la presente copia conforme al original que queda en mi poder y archivo, a que me remito y de pedimiento de parte doy esta vajo mi firma y el sello de mi oficio, Nueva Orleans, trenta y uno de Enero, de mil ocho cientos seis años.

[L. S.] (Signed,) NARCISSUS BRONTIN,
Notary Public.

Translation of the foregoing document.

Know all men who shall see these presents, that I, Manuel de Lanzos, captain, retired from the service of his Catholic Majesty, and inhabitant of this city of New Orleans, do hereby sell, really and with effect, to Don Bartholomew Bosque, also of this city, merchant, a tract of land, my property, situated in the district of Baton Rouge of 35,000 superficial arpens, bounded on the north by the line of demarcation between the domains of his Catholic Majesty and those of the United States, agreeably to, and in conformity with, the figurative plan drawn by Don Vincente Pintado, deputy surveyor, and certified and signed by Don Carlos Laveau Trudeau, heretofore surveyor general of this province, bearing date the third of November, eighteen hundred and three; which land belongs to me for having purchased it from the royal treasury, as it appears from the title which was delivered to me by Don Juan Ventura Morales, intendant pro tem. of his Catholic Majesty, which title is dated second of January, eighteen hundred and four; and I do sell the land to the said Bosque with all its ingresses and egresses, uses, rights, customs, servitudes, free from all incumbrances and mortgages, for the price of six thousand five hundred and sixty-two dollars and four reals, which he has paid me cash, and which I acknowledge having received to my satisfaction, renouncing to the laws relative to transfers, and give a formal receipt. In consideration of which I desist from the rights of property, possession, dominion, and ownership, which on the said 35,000 arpents of land I had, and could have; and I cede, renounce, and transfer the whole to the purchaser and assigns, that, as his property, he may possess, sell, exchange, or alienate the same at his will, by virtue of these presents, which I subscribe in his favor as a proof of real delivery, and by virtue of which he is to be considered to have acquired its possession without any further proof, which I do dispense with; and if in future any contestation should arise in relation to the sale made to me by the royal treasury of the said land, I will not in consequence thereof be bound or responsible in any manner, nor subject to any guarantee of eviction, since I do put in my place and stead the said Don. Bartholomew Busque, who in case of any contestation will have his recourse against the royal treasury, who sold the said land to me, or against whom

it may concern in law. And I, Bartholomew Bosque, being present at the making of this instrument, do accept it in my favor, purchasing by it the said 35,000 arpents of land for the price and sum for which the same is sold to me, without having anything to claim from the vendor, it being agreed by these presents that I do put myself in his place and stead.

In testimony whereof these presents were made in the city of New Orleans, on the 30th of January, in the year one thousand eight hundred and six.

I, Narcisse Brontin, notary public of the United States of America, in this said city, do attest that I am acquainted with the parties who have signed, the witnesses being Don Francisco Muthall and Antonio Fromentin, the purchaser having received from the vendor the title of the sale made by the royal treasury, also the figurative plan of said land.

MANUEL DE LANZOS,
BARTHOLOMEW BOSQUE,
FRAN'CO MUTHALL,
ANTONIO FROMENTIN,
NARCISSE BRONTIN,
Notary public.

I certify this to be a true copy of the original, which remains in my possession and office, to which I refer, and at the request of parties, I give this under my hand and seal of office.

New Orleans, 31st January, 1806.

NARCISSE BRONTIN,
Notary public.

4o. The plaintiffs offered in evidence document marked "E," said document being an act of sale of B. Bosque to G. T. Phillips, dated the 8th of April, 1806, before N. Brontin, not. public, which document is in the words and figures following, to wit:

Pardevant nous, Narcisse Brontin, notaire public des Etats Unis d'Amerique, en la ville de la Nouvelle Orléans, et de temoins ci-après denoncés.

Fut prêsent le sieur Bartholomé Bosque, négociant demeurant en cette ville, lequel nous a declaré avoir ce jourd'huy vendu, cédé, transporté, dès maintenant et à toujours, et promet garanter de tous troubles, dons, dettes, hypotheques, évictions, substitutions, et autres empêchemens quelconques, au sieur George Thompson Phillips, à ce présent et acceptant, une terre située dans le district du Baton Rouge, de trente cinque mille arpens de superficie, bornée, la partie septentrionale par la ligne de démarcation entre les domaines de S. M. C. et ceux des Etats Unis d'Amérique, suivant et conformément au plan figuratif fait par Mr. Vincent Pintado, certifié et signé par Monsieur Charles Laveau Trudeau, ingénieur général de cette province, en date du trois Novembre, mil huit cent trois, la même qu'il a acquis du sieur Manuel

De Lanzos, par acte au rapport de nous dit notaire, en date du trente Janvier dernier, et dont les titre de vente et d'arpentage ont été remis à l'acquéreur.

La présente vente faite pour et moyenant le prix et somme de dix sept mille cinq cents piastres gourdes, c'est à dire, à raison de quatre escalins l'arpent, de laquelle somme le sieur vendeur déclare avoir reçu cinq mille piastres comptant, dont il est satisfait, et autorise reçu en forme en faveur du sieur acquéreur, lequel s'oblige et promet de payer, les douze mille cinq cents piastres restantes à mon dit sieur vendeur ou à la personne qui le representera dans deux ans de ce jour, sans aucun procès et faute par lui d'effectuer le paiement à l'échéance, il consent d'être saisi, et executé, avec seulement cet acte, et le simple serment de qui sera partie légitime, et à la sureté du payement, il oblige ses biens presents et futures, et il hypotheque spécialement la même terre, ci-dessus referé, qu'il promet ne pas vendre, ni aliener, jusqu'à l'entier et final payement de la dite somme de douze mille cinq cents piastres; moyennant quoi, le dit sieur Bartholomè Bosque, lui céde, renonce, et transporte tous droits de propriété, et autres qu'il a et peut avoir sur la dite terre presentement vendue, dont il s'est défait desaisi au profit du sieur acquereur, ses hoirs, successeurs, ou ayant cause, voulant qu'il en soit saisi par et ainsi qu'il appartiendra, constituant pour cette fin le parteur des présentes, et il s'oblige en outre que si le dit sieur Phillips, acquereur, était inquieté dans la possession de la dite, ou qu'on viendrait à lui disputer, ou oter la propriété de lui rembourser en ce cas les sommes qu'il aurait reçu de lui sans que sous aucun prétexte, il puisse rien exiger ni reclaimer de plus, pour raison d'indemnisations, ou par quelques autres motifs que ce puisse être, et pour l'execution de ci-dessus mentioné, les parties ont élu leurs domiciles en cette ville, auquel lien, nonobstant, promettant, obligeant, renonçant, &c.

Fait et passé en la ville de la Nouvelle Orleans, ce huit Avril, mil huit cent six, et la trentième année de l'independance, Américaine en présence des sieurs François Munhall et Antoine Fromentin, témoins domiciliés en cette ville, qui ont signé avec les comparans et nous, dit notaire, le jour et an que dessus.

Le minute ainsi signé, Barthé. Bosque, Antoine Fromentin, Ge. Phillips, Franco. Munhall, Narcisse Brontin, notary public.

Je certifie la présente expédition conforme à l'original resté entre mes mains, en foi de quoi j'ai apposé mon seing et le sceau de notre office à la Nouvelle Orleans, le douzieme de Février de l'année mil huit cent onze et la trente cinquième de l'independance Américaine.

[SEAL.] (Signed) NARCISSUS BRONTIN,
Notary Public.

5o. The plaintiffs offered in evidence document marked "G," which document is a deed of partition passed before Peter Pedesclaux, on the 11th day of May, 1809, and which document is in the words and figures following, to wit:

Deed of partition.

Whereas Bartholomew Bosque, on the eighth day of April, in the year of our Lord one thousand eight hundred and six, before Narcissus Brontin, notary public, by his public act made in due form of law, did bargain, sell, and convey, unto the late George T. Phillipps, then living, all that certain tract of land situated in the district of Baton Rouge, and consisting of about thirty-five thousand acres, bounded north by the line of demarcation between the territory of his Catholic Majesty and that of the United States, according to the plan (figuratif) drawn by Vincent Pintado, certified and signed by Charles Laveau Trudeau, engineer general of that province, under date of the third of November, eighteen hundred and three, which said tract of land was purchased by the said Bartholomew Bosque from Manuel Lanzos, as may appear by a reference to the original act of sale thereof, passed before the same notary on the thirtieth of January, one thousand eight hundred and five; and whereas the said George T. Phillips afterwards became bankrupt, and whereas at the time of his bankruptcy there remained due and in arrear to the said Bosque twelve thousand five hundred dollars of the said purchase money, secured to him by mortgages thereon; and whereas a meeting of the creditors of the said George T. Phillips was afterwards had, to wit, on the eleventh day of April, in the year of our Lord one thousand eight hundred and eight, before Peter Pedesclaux, the present notary public of this city, when it was agreed between the said Bartholomew Bosque on the one part, and John Houghton, Samuel Meeker, James C. Williamson, and Charles Patton, trading under the firm of Meeker, Williamson, and Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Beverly Chew and Richard Relf, trading under the firm of Chew and Relf, Ferdinand Alzar, James Brown, and Bartholomew Bosque of the other part, with the consent of the said George T. Phillips and his creditors then assembled, that they, the said parties of the second part, should become responsible, and assure to the said Bartholomew Bosque the payment of the said twelve thousand five hundred dollars, then in arrear by the said George T. Phillips, in equal payments of two, four, and six months, with interest; and that thereupon, he, the said Bartholomew Bosque, should transfer to them, the said party of the second part to the said agreement, all his rights and estate in the said land according to their respective interests therein as hereinafter stated; whereas the said parties of the second part as aforesaid, did assure to the said Bartholomew Bosque the payments of the said twelve thousand five hundred dollars, with interest as aforesaid, in the following proportions, to wit: John Houghton, four thousand dollars; Meeker, Williamson, and Patton, two thousand dollars; James Johnston, two thousand dollars; Duncan McIntosh, one thousand [dollars;] Levi Coit, one thousand dollars; William Simpson, seven hundred and fifty dollars; Chew and Relf, five hundred dollars; Ferdinand Alzar, five hundred dollars; James Brown, five hundred dollars; and Bartholomew Bosque, five

hundred dollars; the whole payable at two, four, and six months as aforesaid; and whereas the said Bartholomew Bosque did thereupon transfer all his rights and interest in the said lands, by and with the consent of the said George T. Phillips and his creditors, with full covenants of guarantee and indemnity, to be holden by them, the said parties of the second part as aforesaid, in trust for the creditors of the said George T. Phillips, until the expiration of the said term of six months, provided the syndics of the said George T. Phillips were enabled, and could cause the said payments to be made out of the said estate, at the terms above stipulated, so as to relieve the said parties of the second part from their respective engagements; and that in default thereof the said trust was to cease, and the title thereto to be complete in the said party of the second part, they paying to the said syndics, for the benefit of the creditors of the said George T. Phillips, the further sum of five thousand dollars, which had been advanced as aforesaid by him at the time of the said purchase; and whereas the estate of the said George T. Phillips was so embarrassed and entangled as not to offer any resource whereby the said syndics could be enabled to make the said payments, or any part thereof; and whereas the said parties of the second part did comply with their engagements by them as aforesaid made, with the said Bartholomew Bosque, as will appear by reference to the release, (quittance,) bearing date on the thirtieth day of November, one thousand eight hundred and eight, and recorded in this office, and have since paid, according to their respective proportions, the said sum of five thousand dollars, with interest, to the syndics of the said George T. Phillips, as will appear by reference to the receipt from the syndics, bearing date on the said thirtieth of November; and whereas the said syndics have given due acquittances therefor before Peter Pedesclaux, the present notary, and have released all claim to the said land in conformity to the said agreement; and whereas Chew & Relf, Ferdinand Alzar, Bartholomew Bosque, and James Brown have since ceded their respective shares to the said James Johnston, as may appear by reference to the several acts of cession made before me, the present notary, prior to the division thereof hereinafter mentioned; and whereas the said William Simpson and Duncan McIntosh did, prior to the said partition, cede their respective shares therein to the said house of Clark & Rogers, as may also appear by a like reference to the acts passed before me, the said notary, so that the said Levi Coit, Clark & Rogers, Meeker, Williamson & Patton, James Johnston and John Houghton, are now the sole proprietors thereof. And whereas the said Levi Coit, Clark & Rogers, Meeker, Williamson & Patton, James Johnston and John Houghton, as the sole proprietors thereof, have caused a survey to be made thereof at their joint expense, by one John Dutton, a copy whereof is hereunto annexed, dividing the same into lots numbered from one to thirty-five inclusively. And whereas the said parties, on the nineteenth April last, before Eliphalet Fitch, esq., notary public, did agree to draw by lot the proportions to which they are respectively entitled, and did then and there accordingly complete the same draw-

ing. And whereas, at such drawing, the said John Houghton did draw the lots numbered seventeen, twenty-nine, one, sixteen, eleven, seven, thirty-two, twenty-three, twenty-five, eight, and thirteen, in the survey containing eleven thousand and ninety-eight acres (arpents) and $\frac{38}{100}$, being his proportion thereof. And whereas the said James Johnston did draw the lots numbered two, twelve, thirty-five, fifteen, thirty, twenty-two, three, nine, eighteen, twenty four, and nineteen, containing eleven thousand three hundred and eighty acres, (arpents) $\frac{41}{100}$, being his proportion thereof. And whereas the said Meeker, Williamson and Patton did draw the lots numbered twenty-one, five, twenty-six, twenty-eight, and twenty, containing five thousand one hundred and twelve acres (arpents) $\frac{72}{100}$, being their proportion thereof. And whereas the said Clark & Rogers did draw the lots numbered thirty-one, six, twenty-seven, four, and fourteen, containing four thousand nine hundred and seventy-one acres (arpents) and $\frac{8}{100}$, being their proportion thereof. And whereas the said Levi Coit did draw the lots numbered ten, thirty-four, and thirty-three, containing two thousand nine hundred and ninety-nine acres (arpents) $\frac{20}{100}$, being his proportion thereof; making in the whole the quantity of thirty-five thousand five hundred and sixty-one $\frac{80}{100}$ acres (arpents,) the amount of the said land according to the said survey. And whereas, from the locality of the said grounds and the nature of the soil, some of the said lots contained some more and some less than the general number of acres. And whereas such inequality hath been arranged between the parties hereto, prior to such drawing, it was also agreed that he, drawing an excess quantity of his whole share, should pay into the common mass the sum of twelve rials for such acre, and he drawing lots upon which there was a deficiency should receive, in like manner, from the other parties hereto, the like allowance for such deficiency. And whereas such agreement hath been carried into effect by the said parties hereto, and such payments completed on either side prior to the signing hereof: Now, therefore, in order to give full and entire effect to the said division, and to enable each one interested therein to hold to his sole separate use the said lots so drawn respectively, and hereinbefore particularly designated as forming the portion of each, we do hereby mutually convey and release to each other respectively all right, title, interest, and claim which we before had, or may now have, in the said lots so drawn by each of the said parties hereto at the division thereof, to hold the same to the separate and entire use of each party, free and clear of any incumbrance which may have been created thereon by us or any of us; and we do hereby covenant and agree, to and with each other, to make, do, and perform all such further or other acts as may be necessary or thought proper to assure to each other his said proportion of all our right and interest in the said land; and the whole we transfer and give over to each other, our executors, and administrators, and assigns, to the end that each and every one of us may possess, sell, bargain, change, or alienate the lots herein ceded to each other, as they may think fit, by virtue of this public instrument, which we grant in favor one of the

other, as a sign of real delivery, and by which it is proved that we have acquired the possession, without need of any other proof, of which we relieve one another. And we bind ourselves to the eviction, security, and responsibility of this deed in due form of law. And we, the said John Houghton, James Johnston, Levi Coit, Meeker, Williamson and Patton, and Clark Rogers, being here present, do accept from each other this deed of partition, acknowledging the said lots as delivered to our satisfaction, hereby granting each other formal receipt; and to the due fulfilment of the premises each party has bound himself in due form of law.

In testimony whereof these presents are done and passed at the city of New Orleans, on the eleventh day of May, eighteen hundred and nine. I, the notary, certify to know the parties who have signed with and in presence of John Bapt. Ramirez and Joachim Lozano, citizens here present.

The original is signed—James Johnston, Clark & Rogers, Meeker, Williamson & Patton, Talcott & Bowers, agents for Levi Coit, John Houghton, J'n B'te Ramirez, Joaq'n Lozano, Peter Pedesclaux, *Notary Public*.

I certify the above to be a true copy from the original on record.

In testimony whereof I have hereunto subscribed my name and affixed my notarial seal, on the eighth day of June, in the [L. S.] year of our Lord one thousand eight hundred and nine, and thirty-third of the independence of the United States of America.

(Signed) PETER PEDESCLAUX, *Not. Pub.*

Cession—James Brown to Jas. Johnston.

On this eleventh day of March, one thousand eight hundred and nine, and in the thirty-third of American independence, before me, Peter Pedesclaux, notary public in and for the city of New Orleans, duly qualified and commissioned by law, personally came and appeared John Morgan, junior, attorney in fact for Captain James Brown, of New York, who has, for and in consideration of the sum of five hundred and fifty dollars, to be paid by James Johnston, of said city of New Orleans, merchant, in one year from the date hereof, ceded, transported, and transferred all the right and title that the said Brown has on a certain tract of land situated in Baton Rouge, to be laid out and delivered by the syndics of the late Geo. T. Phillips unto the said James Johnston; well understood that this cession is to be entirely in conformity to the act passed in this office between Bartholomew Bosque, Geo. T. Phillips, and the creditors, and not to extend to any more privilege, but that allowed the aforesaid Brown in said act.

Thus done and passed, at New Orleans aforesaid, on the day and year first above written, in presence of J. B. Ramirez and Peter Francis Simon Godefroy, witnesses, who have signed, as well as the parties, with me, the notary.

I certify the above to be a true and legal copy from the original on record.

In witness whereof I have hereunto subscribed my name and affixed [L. S.] my notarial seal, on the tenth day of June, eighteen hundred and nine.

(Signed) PETER PEDESCLAUX, *N're.*

6°. The plaintiffs offered in evidence document marked "D," being further cessions to James Johnston; which document is in the words and figures following, to wit:

Cession—Relfe & Chew to James Johnston.

On this eighteenth day of October, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third of American independence, before me, Peter Pedesclaux, notary public, in and for the city of New Orleans, duly qualified and commissioned by law, personally came and appeared Richard Relf, of said city, merchant, and one of the partners of the commercial house trading under the firm of Chew & Relf, who has, for and in consideration of the sum of five hundred and fifty dollars, to be paid by James Johnston, of this city, merchant, in one year from this date, *has* ceded, transported, and transferred all the right and title that they had, and actually have, on a certain portion of land situated in Baton Rouge, to be laid out and delivered by the syndics of the late Geo. T. Phillips; well understood that this cession is to be entirely in conformity to the act passed in this office between Bartholomew Bosque, G. T. Phillips, and the creditors, and not to extend to any more privilege but that allowed me as well in my name as in that of the commercial house that I represent in said act.

(Signed) RICH'D RELF.

Thus done and passed, at New Orleans, aforesaid, on the day and year first above written, in presence of J. B. Ramirez and Joachim Lozano, witnesses, who have signed, as well as the parties, with me, the notary.

The minute is signed James Johnston, Richard Relf, Jn. Bte. Ramirez, Joaqn. Lozano, and I, the undersigned notary.

PETER PEDESCLAUX.

Cession. Ferndo. Alzar to James Johnston.

On this eighteenth day of October, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third of American independence, before me, Peter Pedesclaux, notary public, in and for the city of New Orleans, duly qualified and commissioned by law, personally came and appeared Fernando Alzar, of said city, who has, for and in consideration of the sum of five hundred and fifty dollars to be paid by James Johnston, of this city, merchant, in one year from this

date, has ceded, transported, and transferred, all the right and title that he had and actually has on a certain portion of land situated in Baton Rouge, to be laid out and delivered by the syndics of the late George T. Phillips; well understood that this cession is to be entirely in conformity to the act passed in this office between Bartholomew Bosque, George T. Phillips, and the creditors, and not to extend to any more privileges but that allowed me in my name in said act.

Thus done and passed at New Orleans aforesaid, on the day and year first above written, in presence of J. B. Ramirez, and Joachim Lozano, witnesses, who have signed, as well as the parties, with me, the notary.

The minute is signed James Johnston, Richard Relf, Jn. Bte. Ramirez, Joachim Lozano, and I, the undersigned notary.

PETER PEDESCLAUX.

Cession. Fte. Fange, wife of Bosque, to Jas. Johnston.

On this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and eight, and in thirty-third of American independence, before me, Peter Pedesclaux, notary public in and for the city of New Orleans, duly qualified and commissioned by law, personally came and appeared Mde. Felicité Fange, wife and attorney in fact of Bartholomew Bosque, of said city, who has, for and in consideration of the sum of five hundred and fifty dollars, to be paid by Jas. Johnston, of this city, merchant, in one year from this date, ceded, transported, and transferred all the right and title he had and actually has on a certain portion of land situated in Baton Rouge, to be laid out and delivered by the syndics of the late G. T. Phillips; well understood that this cession is to be entirely in conformity to the act passed in this office between Bartholomew Bosque, George T. Phillips, and the creditors; and not to extend to any more privilege but allowed me in my name in said act.

Thus done and passed at New Orleans aforesaid, on the day and year first above written, in presence of J. B. Ramirez and Joachim Lozano, witnesses, who have signed, as well as the parties, with me, the notary.

The minute is signed James Johnston, Fange, Jn. Bte. Ramirez, Joaqm. Lozano, and I, the undersigned notary.

PETER PEDESCLAUX.

7°. The plaintiffs offered in evidence document marked "C," being an act of sale of Bartholomew Bosque to the creditors of George T. Phillips; which document is in the words and figures following, to wit:

Agreement of Phillips' creditors with B. Bosque.

Note. Il est convenu entre les créanciers du Sieur George T. Phillips et le Sieur Barthelmy Bosque, que tous ceux des créanciers qui voudront ce jour donner leurs billets au dit Sieur Bosque pour la somme de douze mille cinq cents piastres, solde à lui due par le dit Phillips

pour la vente des terres du bayou Sarah, payable dans deux, quatre, & six mois, seront proprietaries incomutables des dites terres selon leur avance, dans le cas que les syndics des dits créanciers ne retirent pas du produit des bien abandonnés les dits billets.

Je certifie la note ci-dessus conforme à une des clauses du contrat passé entre les créanciers de Geo. T. Phillips et le Sieur Bosque suivant acte devant moi en date du onze Avril, 1808.

En foi de quoi j'y ai apposé mon seing & le sceau de mon office, à la Nouvelle Orleans, le 1er. Juillet, 1813.

[SEAL.]

(Signed,) PIERRE PEDESCLAUX, *Nre.*

Bosque's sale to the creditors of Phillips.

Aujourd'hui, trentième jour du mois d'Avril, de l'année mil huit cent huit, la trente deuxième de l'independance Américaine, pardevant nous, Pierre Pedesclaux, notaire public des Etats Unis d'Amerique à la Nlle. Orleans, fut présent le Sieur Barthelmy Bosque, negotiant, demeurant en cette ville, lequel nous a dit et declaré, que par acte au rapport de Maitre Narcisse Brontin, daté le huit Avril, mil huit cent six, il aurait pour & moyennant la somme de cinq mille piastres, qu'ont ce jour été payées comptant par George T. Phillips, negt., et en outre pour et moyennant la somme de douze mille cinq cents piastres, payable au susdit Bosque le huitième jour d'Avril, mil huit cent huit, vendu, cédé, quitté, & transporté dès ce jour & à toujours, en faveur du susdit Phillips, toute cette certaine portion de terre située dans le district de Baton Rouge, de trente cinq mille arpents de superficie, bornée la partie septentrionale par la ligne de démarcation entre les domaines de sa S. M. C., et ceux des Etats Unis d'Amerique, suivant & conformément au plan figuratif, fait par Vincent Pintado, certifié & signé par le Sieur Charles Laveau Trudeau, ingenieur général de cette province, en date du trois Novembre, mil huit cent trois, la même qu'il avait acquise du Sieur Manuel Lanzos, par acte au rapport du susdit notaire, daté le trente Janvier, mil huit cent cinq, lesquelles terres sont garanties en cas de dispute de propriété, ou qu'on en ote la possession, d'en rendre le montant reçu et comme depuis l'epoque de la susdite vente, le dit Sieur Phillips est devenu insolvable; et le huitième jour d'Avril, dans l'année mil huit cent huit, s'est trouvé incapable de payer la susdite somme de douze mille cinq cents piastres, alors dues comme susdit ést, par lui, le susdit Phillips au susdit Bosque, et comme dans une assemblée des créanciers du susdit Phillips, dûment tenue selon la loy, le onzième jour d'Avril, de l'année mil huit cent huit, à savoir, à la Nlle. Orleans susdit, il fut convenu par et entre le susdit Bosque et John Houghton, Samuel Meeker, James Williamson, and Charles Patton, faisant le commerce à la Nouvelle Orleans, sous la raison de Meeker, Williamson & Patton; James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Beverly Chew, & Richard Relf, faisant le commerce á la Nlle. Orleans, sous la raison de Chew & Relf, Ferdinand

Alzar, James Brown, Barthelmy Bosque, par et avec le consentement du dit Phillips et de ses créanciers alors assemblés, en considération des choses susdites, qu'eux les susdits Jean Houghton, Meeker, Williamson, & Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Chew & Relf, Ferdinand Alzar, James Brown, et Barthelmy Bosque; assureraient au susdit Bosque de telle manière que lui susdit Bosque approuverait le paiement de la susdite somme de le douze mille cinq cents piastres, à lui dues comme susdit est, par le dit Phillips en paiements egaux à l'echeance de deux, quatre, & six mois, avec interest a raison de six pour cent per an., et que pour cela il transportait aux susdits Jean Houghton, Meeker, Williamson & Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Chew & Relf, Ferdinand Alzar, Jacques Brown, et Barthelmy Bosque, tous ses droits sur les susdites terres, avec titres en forme, conjointement et selon la proportion de leur intérêt respectif sur la dite terre; et comme les susdits John Houghton, Meeker, Williamson & Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Chew & Relf, Ferdinand Alzar, James Brown, et Barthelmy Bosque, ont ainsi assuré comme susdit est au susdit Bosque les paiement de la susdite somme de douze mille cinq cents piastres avec interêt comme susdit relaté, c'est à dire, dans les proportions suivantes, à savoir, Jean Houghton, quatre mille piastres; James Johnston, deux mille piastres; Duncan McIntosh, mille piastres; Levi Coit, mille piastres; William Simpson, sept cent cinq piastres; Chew et Relf, cinq cents piastres; Ferdinand Alzar, cinq cents piastres; James Brown, cinq cents piastres; Barthelmy Bosque, cinq cents piastres; montant le tout à la somme de douze mille sept cent cinquante piastres, à savoir, douze mille cinq cents piastres pour le capital dû, comme susdit est, le huit Avril, mil huit cent huit, et deux cent cinquante piastres les interéts sur deux, quatre, et six mois, et le susdit Bosque, par ces présentes reconnait être content des suretes à lui données.

C'est pourquoi le dit Bosque, par et avec consentement du dit Phillips, et de ses créanciers, dument assemblés comme dessus est dit, promet et convient, avec les susdits Jean Houghton, Meeker, Williamson & Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Chew & Relf, Ferdinand Alzar, James Brown, et Barthelmy Bosque, tant avec un comme avec tous conjointement et séparément, que lui le dit Bosque, au lieu de confirmer la vente par lui passée des susdites terres au susdit Phillips, comme ci-desus est dit, (le dit Phillips ayant renoncé à tous ses droits sur les dites terres, selon la loy en faveur des créanciers,) il transportera comme en effet il transporte par ces présents, en faveur des susdits Jean Houghton, Meeker, Williamson & Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Chew & Relf, Ferdinand Alzar, James Brown, et Barthelmy Bosque, toutes les terres susdits situés dans le district de Baton Rouge, et dont il a déjà été fait mention, ainsi qu'à leurs hoirs ou ayant causes, pour toujours, pour en jouir conjointment à proportion de leur intérêt respectif, comme ci-dessus, selon la portion de la susdite somme de douze mille cinq cents piastres, et intérêt, dont ils ont respectivement assuré les paiéments comme il est ci-dessus dit, pour qu'ils tiennent les

dites terres en confiance, pour le seul usage et bénéfice généralement des créanciers du dit Phillips, comme est ci-dessus dit, pourvu que les syndics ou commissaires des créanciers susdits, payent ou faisent payer au susdit Bosque, les diverses sommes à l'échéance de deux, quatre, et six mois, lequel paiement est assuré comme ci-dessus par les dits Jean Houghton, Meeker, Williamson & Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Chew & Relf, Ferdinand Alzar, James Brown, et Barthelmy Bosque; mais si les syndics des dits créanciers ne pouvaient pas payer les susdites sommes à leurs échéances respectives, ou refusaient ou néglegaient de payer selon le véritable désir du présent acte; qu'alors les dits Jean Haughton, Meeker, Williamson & Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Chew & Relf, Ferdinand Alzar, James Brown, et Barthelmy Bosque, après avoir quitté la dite somme de douze mille sept cent cinquante piastres, par eux assuré comme dit est, et en outre en payant aux susdits syndics, pour le bénéfice des dits créanciers, la somme de cinq mille piastres, étant la valeur de cette partie des dites terres actuellement payées comme ci-dessus est mentionné par le dit Phillips au dit Bosque, deviendront propriétaires incomutables des dites terres, pour le propre usage et bénéfice des dits Jean Houghton, Meeker, Williamson & Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Chew & Relf, Ferdinand Alzar, James Brown, et Barthelmy Bosque, leurs hoirs ou ayant causes, selon leur intérêt respectif comme ci-dessus; et le susdit Bosque, par ces présentes, promet de garantir, et garantit quels titres sur les dites terres sont bons en justice et hors; et qu'il a plein et legal droit et titre pour les vendre de la manière ci-annoncée, selon le vrai désir et intention des presentes, et contre toutes reclamations ou empèchemens de quelque nature que ce soit, public, ou sous seing privé, ou autrement, de la part d'aucun royaume, état, ou gouvernement, individu, ou individus, sur ou contre les dites terres, ou aucunes parties d'icelle; autre que celui donné dans le présent acte, promettant le dit Bosque en consideration des choses susdites, aux dits Jean Houghton, Meeker, Williamson & Patton, James Johnston, Duncan McIntosh, Levi Coit, William Simpson, Chew & Relf, Ferdinand Alzar, James Brown, et Barthelmy Bosque, de garantir la propriété dès maintenant et à toujours, se reservant le susdit Bosque, pour la sureté du paiement, des dites billets, l'hypothèque qu'actuellement existe sur les susdites terres et consenti par le dit Phillips, selon l'acte ci-dessus énnoncé, daté du huit Avril, mil huit cent six. Car ainsi le tout a été voulu et consenti par les parties, promettant, &c., soumettant, &c., renonçant, &c., obligeant, &c. Dont acte et jugé de leur consentement.

Fait et passé en notre étude à la Nouvelle Orleans, le jour et an, que dessus, en présence des sieurs Jean Batiste Ramirez et Toribio Valdez, témoins qui ont signé avec les parties, et nous notaire, avec l'assistance du sieur Joaqn. Lozano, interprête pour le gouvernement, qui en a fait la traduction en Anglais.

GEORGE T. PHILLIPS,
BARTE. BOSQUE,

JAMES JOHNSTON,
JOHN HOUGHTON,
FERDINAND ALZAR,
LEVI COIT,
Per JOHN PIERPONT, *Deputy*,
WM. SIMPSON,
MEEKER, WILLIAMSON & PATTON,
DUNCAN McINTOSH,
CHEW & RELF,
JAMES BROWN,
JOAQN. LOZANO,
PIERRE PEDESDAUX, *Notaire.*

Pour copie conforme à l'original resté en mon étude pour recours. Nouvelle Orleans, 1er Juillet, 1813.

[SEAL.] (Signed) PIERRE PEDESCLAUX,
Notaire.

W. Simpson and Duncan McIntosh's deed to Clark and Rogers.

On this fifteenth day of October, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third of American independence, before me, Peter Pedesclaux, notary public in and for the city [of] New Orleans, duly commissioned and qualified by law, personally came and appeared Wm. Simpson, of said city, merchant, who, as well in his name as in that of Duncan McIntosh, as his attorney, has, for and in consideration of the sum of seventeen hundred and fifty dollars, to him in hand paid, in lawful money of the United States, by Walters Clark, representing the house of commerce of Clark & Rogers, the receipt whereof is hereby acknowledged, has ceded, transported, and transferred all the right and title that he, as well as the said McIntosh, have on a certain portion of land, situated in Baton Rouge, to be laid out and delivered by the sindics of the late Geo. T. Phillips; well understood that this cession is to be entirely in conformity to the act passed in my office between Bartholomew Bosque, Geo. T. Phillips, and the creditors, and not to extend to any more privilege but that allowed me, the said Simpson, as well in my name as in that of Duncan McIntosh, in said act.

Thus done and passed, at New Orleans aforesaid, on the day and year first above written, in presence of Jn. Bte. Ramirez and Joaqn. Lozano, witnesses, who have signed, as well as the parties, with me, the notary.

WM. SIMPSON,
CLARK & ROGERS,
PIERRE PEDESCLAUX.

Pour copie conforme à l'original resté en mon étude pour recours. Nlle. Orleans, le 1er Juillet, 1813.

(Signed) PIERRE PEDESCLAUX, [SEAL.] *N're.*

Chew and Relf's deed to Jas. Johnston.

On this eighteenth day of October, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third of American in-

dependence, before me, Peter Pedesclaux, notary public in and for the city of New Orleans, duly qualified and commissioned by law, personally came and appeared Richard Relf, of said city, merchant, and one of the partners of the commercial house trading under the firm of Chew & Relf, who has, for and in consideration of the sum of five hundred and fifty dollars, to be paid by James Johnston, of this city, merchant, in one year from this date, has ceded, transported, and transferred all the right and title that they had, and actually have, on a certain portion of land, situated in Baton Rouge, to be laid out and delivered by the sindics of the late Geo. T. Phillips; well understood that this cession is to be entirely in conformity to the act passed in this office between Bartholomew Bosque, Geo. T. Phillips, and the creditors, and not to extend to any more privilege but that allowed me, as well in my name as the commercial house that I represent in said act.

Thus done and passed at New Orleans aforesaid, on the day and year first above written, in presence of J. B. Ramirez and Joaqn. Lozano, witnesses, who have signed, as well as the parties, with me, notary.

(Signed) JAMES JOHNSTON,
RICHARD RELF,
J. B. RAMIREZ,
PIERRE PEDESCLAUX, *Notaire.*

Pour copie conforme à l'original resté en mon étude pour recours. Nlle. Orleans, 1er Juillet, 1813.

(Signed) PIERRE PEDESCLAUX, [SEAL.] *N're.*

Deed—Ferdinand Alzar to Jas. Johnston.

On this nineteenth day of October, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third of American independence, before me, Peter Pedesclaux, notary public in and for the city of New Orleans, and duly commissioned and qualified by law, personally came and appeared Ferdinand Alzar, of said city, merchant, who has, for and in consideration of the sum of five hundred and fifty dollars, to be paid by James Johnston, of same city, merchant, in one year from the date hereof, has ceded, transported, and transferred all the right and title he has on a certain portion of land, situated in Baton Rouge, to be laid out and delivered by the sindics of the late Geo. T. Phillips, unto the said James Johnston; well understood that this cession is to be entitled in conformity to the act passed in this office between Bartholomew Bosque, Geo. T. Phillips, and the creditors, and not to extend to any more privilege but that allowed me, the said Ferdinand Alzar, in said act.

Thus done and passed at New Orleans aforesaid, on the day and year first above written, in presence of J. B. Ramirez and Joachim Lozano, witnesses, who have signed, as well as the parties, with me, the notary.

FERN'D ALZAR,
JAMES JOHNSTON,
PIERRE PEDESCLAUX, *Notaire.*

Pour copie conforme à l'original resté en mon office pour recours. Nouvelle Orleans, 1 Juillet, 1813.

[SEAL.] (Signed) PIERRE PEDESCLAUX, *Nre.*

B. Bosque's deed to Jas. Johnston.

On this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third of American independence, before me, Peter Pedesclaux, notary public in and for the city of New Orleans, duly commissioned and qualified by law, personally came and appeared Mme. Felicity Fanguy, the wife of Barme. Bosque, and attorney for him, who has, for and in consideration of the sum of five hundred and fifty dollars, to be paid by James Johnston, of said city, merchant, in one year from the date hereof, has ceded, transported, and transferred, all the right and title the said Bosque had on a certain portion of land situated in Baton Rouge, to be laid out and delivered by the sindics of the late George T. Phillips unto the said James Johnston; well understood that this cession is to be entirely in conformity to the said act, passed in this office, between the said Bartholomew Bosque, Geo. T. Phillips, and the creditors, and not to extend any more privilege but that allowed the said Bosque in said act.

Thus done and passed, at New Orleans aforesaid, on the day and year first above written, in presence of J. B. Ramirez and Joaqn. Lozano, witnesses, who have signed, as well as the parties, with me, the notary.

Par procuration de Bartolomé Bosque, Felicité Bosque, James Johnston, Jn. Bte. Ramirez, Joaqn. Lozano. Pierre Pedesclaux, notary.

Pour copie conforme à l'original resté en mon office pour recours. Nelle. Orleans, le 1er. Juillet, 1813.

[SEAL.] (Signed) PIERRE PEDESCLAUX, *Nre.*

Receipt from the syndics of George Thomson Phillips.

Aujourd'hui, trentième jour du mois de Novembre, de l'année mil huit cent huit, et la trente troisième de l'independance Américaine, pardevant nous, Pierre Pedesclaux, notaire public des Etats Unis d'Amerique, à la Nelle. Orleans, sont comparus Messieurs Jean Houghton, James C. Williamson et James Johnston, negotiants, demeurant en cette ville, et sindics de la masse des creanciers de Mr. Geo. T. Phillips, lequels, en leur dite qualité nous ont dit et déclaré, que par acte au rapport de nous, notaire, du trente Avril dernier, ils ont convenu d'un commun accord, tant entre les dits sieurs James Johnston, Jean Houghton, Meeker, Williamson & Patton, que Messrs. Bartelemy Bosque, Duncan McIntosh, Levi Coit, Wm. Simpson, Beverly, Chew & Relf, Ferdinand Alzar et James Brown, de payer au susdit sieur Bartholomy Bosque une somme de douze mille sept cent cinquante piastres, savoir: douze mille cinq cents piastres, montant du ca-

pital du final paiment d'une terre située dans le district de Baton Rouge de trente cinq mille arpents de superficie; et les deux cent cinquante piastres restantes pour les interêts de deux, quatre et six mois, echéance des termes stipulés dans le dit acte; laquelle dite somme ils se sont obligés la payer dans le cas, que les sieurs comparants en leur dite qualité de sindics, ne pourraient pas la rembourser au dit sieur Bosque, dans lequel cas, on se refuseraient à le faire, dans lequel cas ils paieraient an susdits sindics, pour le benefice des creanciers du dit sieur Geo. T. Phillips, une somme de cinq mille piastres, outre la quantité ci-dessus ennoncée, comme etant le juste prix et la valeur de la susdite terre, et comme les susdits sieurs comparants, n'ont pas perfaire le paiement de douze mille sept cent cinquante piastres, ci-dessus ennoncées, le dit sieur James Johnston déclare, tant en sa qualité que comme agissant pour les deux autres syndics, avoir reçu tant de luimême comme des dits sieurs Jean Houghton, Meeker, Williamson & Patton, Bartholomy Bosque, Duncan McIntosh, Levi Coit, William Simpson, Beverly Chew & Richard Relf, Ferdinand Alzar, et James Brown, la somme ci-dessus relatée de cinq mille piastres pour le bénéfice de la dite masse des creanciers, s'obligeant le dit sieur James Johnston d'en tenir compte en tems et lieu, an moyen duquel paiement il donne quittance et décharge valables quant à la susdite somme, et a cet effet il annule l'obligation soufferte par lui, le dit Johnson, et les sieurs cy-dessus ennoncés, et consent que le présent acte soit annoté en marge de celui du trente Avril ci-dessus mentionné, et par tout ou besoin sera pour qu'il soit constaté ce qui a été voulu et consenti par les parties. Dont acte, car ainsi, &c.

Fait et passé en notre étude à la Nlle. Orleans, le jour et an que dessus, en présence des sieurs Jn. Bte. Ramirez et Joseph de Toca, témoins qui ont signé avec les parties et nous, notaire. James Johnston, James C. Williamson, John Houghton, sindics; Joseph de Toca; Pierre Pedesclaax, notaire.

Pour copie conforme à l'original resté en mon étude pour recours. Nelle. Orleans le 1er Juillet, 1813.

(Signed) PIERRE PEDESCLAUX, *Nre.*

Receipt from B. Bosque to the purchasers.

Aujourd'hui, trentième jour du mois de Novembre, de l'année mil huit cent huit, et la trente troisième de l'indpendance Americaine.

Pardevant nous, Pierre Pedesclaux, notaire publique des Etats Unis d'Amerique, à la Nouvelle Orleans.

Sont comparus Delle. Felicité Fanguy, épouse du sieur Bartolomé Bosque, négociant en cette ville, et son fondé de procuration, par acte en cette étude, en date du dix Septembre, de l'année mil sept cent quatre vingt dix neuf, et les sieurs John Morgan, jun., representant Jacques Brown, Talcot and Bowers, représentant Levi Coit, Clark & Rogers, comme étant aux droits des sieurs Guillaume Simpson, et Duncan McIntosh, ainsi qu'il conste par acte à notre rapport, le quinze

Octobre dernier; James Johnson, en son nom que comme acquéreur des droits des sieurs Beverly Chew & Relf, Ferdinand Alzar et de Bartolomé Bosque, par acte à notre rapport; les deux premiers du dix huit Octobre, et le dernier le vingt neuf du même mois, John Houghton, Samuel Meeker, James Williamson, and Charles Patton.

Lesquels nous ont dit et déclaré que le dit Bosque, par acte au rapport du notaire Narcisse Brontin, en date du huit Avril, de l'année mil huit cent six, aurait vendu au sieur George T. Phillips, une terre situé dans le distrit de Baton Rouge, contenant trente cinq mille arpents de superficie, conformément au plan figuratif, fait par Vincent Pintade, et signé par le sieur Charles Laveau Trudeau, en date du trois Novembre, mil huit cent trois, la dite vente pour le prix et somme de dix sept mille cinq cents piastres, à valoir sur laquelle, le vendeur regut cinq celle de mille, et l'acquéreur s'oblige à payer au vendeur les douze mille cinq cents piastres restantes le huit d'Avril dernier; qu'à cette époque l'acquéreur ,George T. Phillips, étant devenu insolvable, apert l'acte d'assemblée tenue le onze du dit mois d'Avril, d'après les formalités prescrites par le loy, les comparans s'obligeant de payer et satisfaire au dit Bosque en trois termes égaux de deux, quatre, et six mois, l'énnoncée somme de douze mille cinq cents piastres que lui était due par Phillips, pour final paiement de l'acquisition de la dite terre, et en outre les interêts pour les termes énnoncés, à raison de six pour cent. par an, se montant à deux cent cinquante piastres, ce qui forme un capital de douze mille sept cent cinquante piastres; lequel paiement les comparants devoient l'effectuer selon la proportion des interêts respectif, à laquelle chacun d'eux avait leur droit, savoir: le sieur Jean Houghton, pour quatre mille piastres; Meeker, Williamson & Patton, deux mille piastres; James Johnston, deux mille piastres; Duncan McIntosh, mille piastres; Levi Coit, mil piastres; William Simpson, sept cent cinquante piastres; Beverly Chew and Richard Relf, cinq cents piastres; Ferdinand Alzar, cinq cents piastres; James Brown, cinq cents piastres; et le dit sieur Bosque, cinq cent piastres; et ce á condition que le susdit Bosque se separerait de tous droits de propriété sur la susdite terre, ainsi que des titres y relatifs, et qu'en outre il garantirait la dite propriété de tout événement quelconque, en faveur des comparants, suivant qu'il est expliqué dans l'acte qu'ils ont octroyé, en cette étude, le trente d'Avril dernier; et vû que la dite Dame Felicité Fanguy, épouse du dit sieur Bosque, declare avoir regu des comparants la susdite somme de douze mille sept cent cinquante piastres, suivant la proportion que chacun d'eux s'était obligé, elle leur donne quittance finale et decharge valable, et consent que radiation en soit faite partout ou besoin sera, au moyen de quoi elle desiste et separe á son époux, de tous droits de propriété sur la dite terre ci-dessus mentionnée, et transporte le tout en faveur des dits sieurs comparants, á fin que dès à présent ils en jouissent eux, et leur ayant causes, et puissent en disposer comme bon leur semblera comme de chose à eux appartenant, ce qui a été voulu et consenti par les parties, dont acte et jugé de leur consentement, car ainsi, &c., promettant, &c., renongant, &c., obligeant, &c.

Fait et passé en notre étude à la Nouvelle Orleans, le jour et an que dessus, en présence des sieurs Jean Batiste Ramirez et Joseph de Toca, témoins qui ont signé avec les parties, et nous notaire soussigné.

FELICITE BOSQUE,
JAMES JOHNSTON,
JAMES C. WILLIAMSON,
CLARK & ROGERS,
TALCOTT & BOWERS,
JNO. MORGAN, JUN.,
Agent for James Brown.
JOHN HOUGHTON,
JOSEPH DE TOCA,
PIERRE PEDESCLAUX, *Notaire.*

Pour copie conforme à l'original resté en mon étude pour recours. Nouvelle Orleans, le 1er Juillet, 1813.

[SEAL.] (Signed) PIERRE PEDESCLAUX,
Notaire.

8o. The plaintiffs offered in evidence document marked "K," it being a colored plat of the land claimed; which document is in the words and figures following, viz:

(For map see original.)

9°. The plaintiffs offered in evidence document marked "1," being certain field notes, &c.; which document is in the words and figures following, to wit:

No.	Content.	REMARKS.
1 No. 10	1179.72	On the branch which runs out near the Sourwood or southeast corner, there is a piece of excellent bottom land near the line of demarkation, at the northeast corner is about 60 arpents of very good land; and on Thompson creek is some lands of first quality, at least 100 arpents. The rest is hills, with pine and oak timber, and high grass.
2	1190.16	On the middle branch of Thompson's creek is about 200 arpents of land of first quality, back of that is a considerable quantity of inferior quality, but good; between the two branches of Caisson's creek is a piece of very good land; the rest of this lot is hilly, pine, oak, grass.
3	1301.52	Very similar to the last; it contains about one-half of Alexander's clearing, 15 arpents.
4	1276.00	Similar to No. 3, but contains a fine piece of land * between the branches of Caisson's creek; there is also a salt lick on the West branch.
5	1171.60	On Thompson's creek there is good upland, but very little bottom; at the northeast corner is a piece of first rate land; there is a very large salt lick on the branch of Caisson's creek.
6	1002.33	At the northeast corner is about 100 arpents of first rate land, and on the other branches is bottom land, quantity unknown. The rest pine hills.
7	1001.04	Contains a large piece of level land, oak and beach timber, at the southeast corner, and some first rate land at the northwest corner; the rest pine hills. There are several good springs in this lot.
8	988.06	No 8. is very similar in quality and situation to the last.
9	989.40	Similar to the two last; has several fine springs; a great part of the same in the three last lots, 7, 8, 9, would produce good small grain.

* At the southeast corner. Such insertion approved.
ROBERT M. LUSHER, *Dep. clerk, U. S. dist. court.*

No.	Content.	REMARKS.
10	998.46	Contains a large portion of very good land, which lies on the east side, and on the line of demarkation; there are springs on the east side; the rest is hilly, with oak and beach timber and some pine.
11	1002.33	Similar to No. 10 in situation and quality; has living water; the best is on the east side.
12	994.59	Similar to the last. Vide No. 10.
13 & 14	993.30 997.15	The bottom lands of the Comit are extremely rich, but are sometimes overflowed in freshes; the upland in these tracts is not of the best quality. Vide description of second rate upland.
15	997.15	May be rated at second rate upland, it lies beautifully, and has fine spring on the branch which runs by Greave's.
16	994.56	A piece of very good land (about 100 arpents) at the southwest corner; the rest hills, pine, and oak timber, good range for stock. Springs in plenty.
17	962.32 Exclusive of Noland's reserve.	Has very good land (first quality bottom land) at and about P. Noland's, jr., improvement. Level land, oak and beach timber between Thompson's creek and the east side; the rest pine hills, except about Noland's reserve, and near the creek is some very good land.
18	972.82	Hills, pine and oak at the northwest corner; south and west of them, level oak and beech land; between the Hurricane and Dry creek first quality upland; south of Dry creek broken hills, with cane. The Hurricane creek or Dry creek is here dry in an ordinary season about two months in the year, but farther up (in the Hurricane) it is never dry; there is a fine mill seat in the lot on this creek.
19	976.65	Is very similar to the last.
20	989.45	See the No. 18; but this tract has some springs.

Field Notes—Continued.

No.	Content.	REMARKS.
21	991.97	This lot is extremely well watered, may be ranked second quality upland.
22	984.31	As the last, but rather more valuable.
23	999.74	Contains a considerable quantity of first rate upland, but no living water.
24	1002.33	Vide Nos. 13 and 14.
25	1002.33	Vide Nos. 13, 14, and 15; the upland is about one quarter of it first quality.
26	992.02	Excellent land on the west side, somewhat between first quality of upland and bottom land.
27	703.64 Exclusive of the two reserves.	Vide No. 17. There is a piece of first quality at the southeast corner; there are good springs in this tract.
28	967.68	High level land, second quality upland extremely well watered, excellent springs; valuable mill seat on Lost creek; broken at the southeast corner.
29	989.38	Vide the last, (No. 28,) for the land north of Lost creek, to the south of it, it is very broken. This lot is the best watered of any in the survey, and contains mill seats with never failing water sufficient for any purpose, ginning, corn mills, saw mills, &c.
30	971.74	See No. 20, for the land which is much better watered than the No. referred to, and contains mill seats.
31	991.97	Vide No. 21; it is not well watered, except on the north side.
32	985.60	A large proportion of upland, first quality, but no water.
33	1001.	Similar in every respect to the No. 32.
34	999.74	Well watered land, inferior to the two last Nos.
35	999.74	Contains a large portion of first rate bottom land. Vide Nos. 13, 14, 24.

First quality bottom land.

1st. A deep rich mould, mostly formed by alluvion.

2d. The growth upon it is mostly laurel, magnolia; next, hollis of a large size, sweet gum, wild peach tree, (a species of plum,) wild cherry, mulberry, and plum trees; a number of other trees are found in the bottoms, but in the first quality the forementioned predominate.

3d. A thick strong cane brake, intermingled with vines, mostly of the kind called supple jack. Lianne noir.

Characteristic of first rate upland.

1st. A dark or black mould, from 3 to 12 inches deep, light and easily broken with the foot.

2d. Growth of timber, laurel, magnolia, beech, holly, large poplars, sweet gum, sassafras, sourwood, lind, wild cherry, large hickory.

3d. Cane and vines, or many vines, for grape, raison, sauvage, muscadine, soco, supple jack, (Lianne noir.)

4th. An abundance of fern or polypody.

Characteristics of second quality upland.

1st. Mould from 2 to 6 inches deep, not so light as first quality.

2d. Timber; beech, oak, holly, lan, magnolia, iron wood, sour wood, lind small, poplars, black gum, some chincopin.

3d. Small can thin, or in the best of this quality, is a thick under growth of bay, a shrubby species of laurel.

Note.

There is a great variety in this quality of land, and that referred to in the foregoing notes is mostly of the best kind of this quality.

10°. The plaintiffs offered in evidence the document marked "F," being a power of attorney of James Johnston and others to Philip Hickey, dated the 16th of June, 1809, which document is in the words and figures following, to wit:

Know all men by these presents, that we, James Johnston, of the city of New Orleans, merchant, John Houghton, of said city, merchant, David Talcott and George P. Bowers, trading under the firm of Talcott & Bowers, agents for Levi Coit, Waters Clark, and Aaron Rogers, trading under the firm of Clark & Rogers, Samuel Meeker, James C. Williamson and Charles Patton, trading under the firm of Meeker, Williamson & Patton, all of said city, merchants, have made and ordained, and by these presents do make, ordain, constitute, authorize, and appoint, Philip Hickey, of the post of Baton Rouge, West Florida, planter, to be our true, certain, and faithful attorney, for us and in our name, and to and for our proper use and behoof, to demand of the government of said post by petition or otherwise, according to the laws of that country, the recording of the titles hereunto subjoined, to certain lands that were ceded by Bartholomew Bosque, according to

the deed passed before Peter Pedesclaux, esq., notary public, dated on the eleventh April, eighteen hundred and eight, being part of the estate of the late George Thompson Phillips, and by the deed of partition also executed before the aforesaid Peter Pedesclaux, on the eleventh May, last past, and to do all things necessary to the full completion and perfection of the title thereto, to us severally, in conformity to the said deed of partition. And likewise attorney or attorneys under him, to let, substitute, and again to revoke, and generally to do, act, and perform, all other matters or things in and touching the premises, requisite and necessary, as fully as we might or could do were we personally present, to obtain the object herein contemplated. And we do hereby ratify and confirm all and whatsoever our said attorney or his substitutes shall legally do or procure to be done, in and touching the premises.

In testimony whereof we have hereunto set our hands and seals this sixteenth day of June, eighteen hundred and nine.

(Signed) TALCOTT & BOWERS, [SEAL.]
Agents for Levi Coit.
" CLARK & ROGERS, [SEAL.]
" JAMES JOHNSTON, [SEAL.]
" MEEKER, WILLIAMSON & PATTON, [SEAL.]
" JOHN HOUGHTON. [SEAL.]

Signed, sealed, and delivered in the presence of us.
(Signed) JOAQ'N LOZANO,
" P. PEDESCLAUX.

TERRITORY OF ORLEANS,
City of New Orleans, ss.

On the day of the date of these presents, personally came and appeared before me, Peter Pedesclaux, notary public, in and for the city of New Orleans, duly and by lawful authority admitted, commissioned and sworn, residing in the said city, James Johnston, John Houghton, Samuel Meeker, James C. Williamson and Charles Patton, trading under the firm of Meeker, Williamson & Patton, Waters Clark and Aaron Rogers, trading under the firm of Clark and Rogers, David Talcott and George P. Bowers, trading under the firm of Talcott & Bowers, agent for Levi Coit, all of the aforesaid city, merchants, and in my presence, and in the presence of Philip Pedesclaux and Joachim Lozano, of New Orleans aforesaid, did duly sign, seal, and as and for act and deed, deliver the foregoing letter or power of attorney, to and for the uses, intents, and purposes therein mentioned and expressed.

In testimony of the truth whereof I, the said notary, have hereunto [SEAL.] set my hand and notarial seal, at New Orleans aforesaid, on the sixteenth day of June, eighteen hundred and nine.

(Signed) PETER PEDESCLAUX,
Notary Public.

11°. The plaintiffs offered in evidence document marked "L," being a translation of the original grant, over the signature of Michel

De Armas, then notary public of the city of New Orleans, which document is in the words and figures following, to wit:

Dn. Juan Ventura Morales, accomptant of the armies, intendant and superintendant (pro tempore) of the province of West Florida, minister commissioned for the adjustment and settlement of the affairs of the royal revenue in this province of Louisiana.

Whereas Dn. Manuel de Lanzos, captain of the armies, retired, has presented himself before this tribunal demanding to purchase thirty-five thousand arpens of land of those vacant and belonging to the King in the district of Baton Rouge, offering to pay to the royal treasury for the same in certificates of credit issued by this minister's office, I have ordered that the secretary should insert at the continuation of his demand a certified copy of the official letter written by the intendency to the commissaries for the delivery of this province, in consequence of the demand of Dn. Thomas Urquhart for purchasing fifty thousand arpens of land in the said place, and of the answer made by the said commissaries, and that the fiscal should be consulted on this subject; that these formalities having been fulfilled, and no opposition being made to the said demand on the part of the fiscal, whose opinion was favorable thereto, and who requested that an order should be given to the coronel Dn. Carlos de Grand Pré, governor and subdelegate of the royal treasury at Baton Rouge, to the end that he should appoint two inhabitants, experts, who as appraisers, with other two who should be appointed by the purchaser, and in presence of two witnesses, should proceed to the valuation, measurement, and to mark the limits of the thirty-five thousand arpens of land, and that the said governor should make a return of the proceedings to the end above mentioned; that immediately I caused to be inserted a certified copy of the decree with which the petition presented by the said Urquhart was sent to the consultation of the auditor of war, as also of the opinion given in consequence by the latter; what being done, I have caused an order to be given to the said governor and subdelegate of the royal treasury, as proposed by the fiscal, to the end above specified; that by virtue of the said order it was immediately proceeded to measurement and demarcation of the thirty-five thousand arpens of land in superficie prayed for by the said captain, Dn. Manuel de Lanzos, situated in the district of Baton Rouge, as it appears from the measurement and figurative plan drawn by the surveyor, Dn. Vicente Pintado, who executed the operation, the said land being in a single body, and of whose situation, boundaries, and courses, mention will hereafter be made; the said thirty-five thousand arpents of superficial lands were valued at the rate of one real of plata fuerte each; all which I caused to be sent to the consultation of the fiscal, who answered that his opinion was, that the valuation should be approved, and that the principal offices of cuenta y razon should make out the calculation of what the said land should come at, and that before the amount should be paid to the treasurer that the formal title should be dispatched; that in consequence, and reserving to myself to do as prescribed by the fiscal, I ordered the proceedings to

be sent to the general surveyor, Dn. Carlos Trudeau, to the end that he should examine the operation of the private surveyor, Dn. Vicente Pintado, and that in case he should find the same regular, he should record in his books the plan representing the thirty-five thousand arpens of land demanded by the captain, Dn. Manuel de Lanzos, and that he should make out a duplicate of said plan, to be annexed to the title; that this formality being fulfilled by a decree bearing date the twenty-second of November last, I did approve the valuation made of the thirty-five thousand arpens of land at the rate of one real de plata each; and that the other things demanded by the fiscal in his last representation should take place, I did order that the proceedings should be sent to the ministers of the royal revenue; that in consequence, and the calculation of the amount of said land being made, the said Manuel Lanzos paid into the hands of the treasurer thirty-six thousand thirty-two reales and seventeen maravedis of plata, to wit, thirty-five thousand for the amount of the same quantity of arpens of superficial land at the rate of one real each, and the one thousand thirty-two reals and a half remaining, for the two per centum of media annata, and eighteen per centum for the conduction of the money to Spain, as it results from the receipt given by the minister of the royal revenue, bearing date the thirty-first day of December last, to which I refer myself; Therefore, and it being evident that the said thirty-five thousand arpens of superficial land demanded by the said captain, Dn. Manuel de Lanzos, are situated in the district of Baton Rouge, bounded on the northern part with the line which separates the domains of his Catholic Majesty, my master, from those of the United States of America, on which part they extend from the eastern bank of the middle branch of the river Feliciana towards the east, to the *post* post or boundary marked number 30, which are English miles; on the southern part with vacant lands; on the east with the lands of Dn. Jayme Jorda; and on the west they terminate at the bank of the aforesaid river, or middle branch thereof; as it appears from the plan No. 1651, which for more clearness, and to facilitate better the understanding the above description will be annexed to this title; therefore, using the faculties which are conferred on me, in the name of the King our Lord, (God save him,) I do grant to the said captain, Dn. Manuel de Lanzos, the thirty-five thousand arpens of land described in the said plan, by way of sale, where they are situated in the district of Baton Rouge, within the boundaries, courses, and distances, above mentioned and described in the measurement made thereof; and in consequence I do give him entire and direct dominion on the same, that as lands belonging to him, for having purchased and paid the royal treasury for the same, he may possess, cultivate, and dispose thereof, at his will, and I do give him power to take possession of the said thirty-five thousand arpens of land, in which possession I do hereby put him, without prejudice to any third person who might have a better right.

In testimony whereof I have given these presents, signed with my hand, sealed with my coat of arms, and countersigned by the under-

signed notary of the royal revenue, who, as well as the contaduria principal, shall take notice of the present grant.

Given at New Orleans, on the second day of January, in the year one thousand eight hundred and four.

(Signed)

JUAN VENTURA MORALES, [SEAL.]

By command of the intendant.

(Signed) CARLOS XIMENES.

N. B. Here follows the plan above mentioned.

Dn. Vicente Pintado, captain of militia cavalry and second surveyor of this province, &c. I do certify to have given possession to Dn. Manuel de Lanzos, by means of his attorney in fact in this place, of a tract of land of thirty-five thousand superficial arpens, of one hundred perches of Paris each, the lineal perch being of eighteen feet of the same city of Paris, conformably to the measurement in use in this province; which land was purchased from the royal revenue by the said Lanzos, and ordered to be measured and valued by a despatch issued from the tribunal of the royal revenue, bearing date the thirtieth of September last, directed to Dn. Carlos de Grand Pré, colonel of the royal armies, governor of these settlements, and sub-delegate of the general intendence of this province; the said land being situated in the jurisdiction of Baton Rouge, bounded on the north by the line between the domains of his Catholic Majesty (God save him) and the United States of America, on which part it extends from the eastern bank of the middle branch of the river Feliciana; and towards the east to the post or boundary marked number thirty, which are English miles measured in the said line of demarcation; on the south by vacant lands; on the west it terminates at the bank of the aforesaid middle branch of the river Feliciana, as it [is] more clearly and distinctly exhibited by the figurative plan which precedes, and in which the said tract of land, with its courses of the compass, dimensions in lineal perches, boundaries, limits and natural confines are figured; the said thirty-five thousand arpens were valued at thirty-five thousand reales of plata fuerte by the appraisers appointed, to wit, D. Pedro Allin and Dn. Felix Bernardo Dumontier, on the part of the royal revenue, and Dn. Felipe Heky and Dn. Bernardo Dubroca, on the part of the said Lanzos; which appraisement was made in presence of the witnesses, Dn. Antonio Gras and Dn. Thomas Valentin Dalton, who signed the same with the said appraisers at Baton Rouge, on the third day of the month of November, in the year one thousand eight hundred and three. (Signed) Pedro Allin, Vicente Sebastian Pintado, Felix Bernardo Dumontier, Bernardo Dubrocar, Phelipe Hecky, Antonio Gras, and T. V. Dalton; and underneath, "In the office of the general surveyor, the foregoing plan and description were recorded in book D, No. 4, folio 67, No. 1,651 of the operations of measurement. Signed by me, the general surveyor.

Dn. CARLOS TRUDEAU,

Surveyor royal and private of the province of Louisiana, &c.

I do certify the present copies to be conformable to the originals which are annexed to the proceedings had in this case, and I do give the present in obedience to the decree of the general intendant, bearing date the fourteenth instant, November the twenty-first, in the year one thousand eight hundred and three.

(Signed) CARLOS TRUDEAU,
Surveyor General.
[*Cross.*]

[Here is a flourish of Carlos Ximenes.]

Know all men who shall see these presents, that I, Manuel de Lanzos, captain retired from the service of his Catholic Majesty, and of this city of New Orleans, do hereby sell, really and with effect, to Dn. Bartholomew Bosque, also of this city, merchant, a land of mine, situated in the district of Baton Rouge, of thirty-five superficial arpens, bounded on the north by the line of demarcation between the domains of H. C. M. and those of the United States of America, conformably to the figurative plan drawn by Dn. Vicente Pintado, second surveyor, and certified and signed by Dn. Carlos Laveau Trudeau, heretofore first surveyor general of this province, bearing date the third of November, eighteen hundred and three; which land belongs to me for having purchased the same from the royal revenue, as it appears from the title which was given to me by Dn. Juan Ventura Morales, intendant pro tempore of H. C. M., bearing date the second day of January, eighteen hundred and four; and I do sell the same to the said Bosque, with all its ingresses and egresses, uses, customs, rights, servitudes, free from all incumbrances and mortgages, in the price of six thousand five hundred sixty-two dollars and four reales, which he has paid me cash down, which I acknowledge to have received at my satisfaction; I renounce the proof, laws of the delivery, and do give formal receipt; therefore I do separate myself from the right of property, possession, dominion, and ownership which on the said thirty-five thousand arpens of land I had and could have; and I cede, renounce, and transfer the whole in the purchaser and assigns, that as his property he may possess, sell, exchange, or alienate the same at his will by virtue of these presents, that I do subscribe in his favor as a proof of real delivery, and by virtue of which he is to be reputed to have acquired its possession without wanting any further proof, of which I do dispense him; and if in future any contestation should arise touching the sale made to me by the royal revenue of the said land, I will not be obliged nor bound for the same to any responsibility, nor subject to any guaranty of eviction, since I do put in my place and stead the said Dn. Bartholomew Bosque, who in case of any contestation will have his recourse against the royal revenue, who sold the said land to me, or against whom it may concern in law. And I, Bartholomew Bosque, being present at the making of this instrument, I do accept it in my favor, purchasing by it the said thirty-five thousand arpens of land for the price and sum for which the same is sold to me, without having any thing to claim against the ven-

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dor, because, by these presents, it is agreed that I do put myself in his place and stead. In testimony whereof these presents are made, at the city of New Orleans, on the thirtieth of January, in the year one thousand eight hundred and six. I, Narcissus Brontin, notary public of the United States of America, in this said city, do attest that I am acquainted with the parties who signed being witnesses, Dn. Francisco Munhall and Antonio Fromentin, present, the purchaser having from the vendor the title of the sale made to him by the royal revenue, as also the figurative plan of said land.—Manuel de Lanzos, Bart'e Bosque, Fras. Munhall, Antonio Fromentin, Narcissus Brontin, *Notary Public.*

I do certify the present copy conformable to the original which remains in my power and office, to which I refer; and at the request of one of the parties, I give this under my hand and seal of office. New Orleans, thirty-first of January, one thousand eight hundred and six.

(Signed) NARCISSUS BRONTIN, [L. S.]
[*Cross*] *Notary Public.*

The foregoing title is recorded from folio 40 to folio 43 inclusively of the book in my charge, destined to this purpose and for the titles of the same nature with this.

(Signed) CARLOS XIMENES.

Recorded in the office of the contador, principal of the armies and royal revenue of the minister's office, under our care, at the folio 38 of the book destined to this end. New Orleans, January the twenty-seventh, eighteen hundred and four.

(Signed) GILBERTO LEONARD,
MANUEL ARMIREZ. [*Cross.*]

I, Michel de Armas, notary public, residing at New Orleans, State of Louisiana, United States of America, do hereby certify the foregoing to be a true and faithful translation from certain originals in Spanish to me presented, to the effect of having the said translation made by James Johnston, esq., to whom I have returned the said originals.

In testimony whereof I have hereunto set my hand and affixed my seal of office, at New Orleans, on the twenty-second day of [SEAL.] June, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-seventh of American independence.

(Signed,) MICH'L DE ARMAS, *Not. Pub.*

12o. The plaintiffs offered in evidence document marked "H," being a list of squatters on the land claimed; which document is in the words and figures following, viz:

Information received 19th and 20th June, 1812, from Pierce Noland, sen., respecting squatters on our lands.

Lot.	Settlers.	Date.	Remained.	Sold to.	
No. 1	Rebecca Bruce	1807	5 years	-	M. & B.
3	Giles Andrews	1804	-	Wm. Alexander	J. J.
	William Alexander	-	-	John Callaghan	C. & R.
4	John Callaghan.				
6	Thomas Smith and John McNeilly.	1802	-	-	"
8	Isaac Bush (winter)	1811	-	-	M. & B.
	John Leonard (spring)	1811	1½		
10	Oliver Shipley	1812	½	-	L. C.
11	John Young	-	½	-	M. & B.
	Simson	1812	½	John Young.	
	George Keller	1811	1	John Benton.	
	John Benton	1812	½		
12	William Nolan	1804	-	-	J. J.
	John Dickenson	1810			
	John Cooper	1810			
	Simson	1811	¾		
	Simmons	1812	½		
	Young	1812			
13	Henry and David Lizenby	1810	-	-	M. & B.
14	Napier	1811	-	-	C. & R.
	Nathaniel Barnes	1812			
15	Robert McCaplin	1804	-	-	J. J.
	William Greaves	1806	6 to 7		
	William Spinks	1810	2½	Stowball.	
	Stowball	1812		-	
16	Ferries	1810	-	-	M. & B.
					17 do.
17&18	Pierce Noland, jun.	1805	-	-	18 J. J.
17&27	Pierce Noland, sen.	-	-	-	M. & B.
19	Adam Barnes	1810	-	-	J. J.
21	David Lambert	1810	-	-	M. W. P.
22	Thomas Smith	1806	-	-	J. J.
	William Noland	1807			
	William Van Allen	1808	4		
23	Richard West	1810	-	-	M. & B.
	Giles McGrew	1810			
	George Keller	1812			
24	Constance McGrew	1808	-	-	J. J.
	Horatio Jarrall	1810			
	James McGrew	1811			
25	Wm., John & Jas. Crawford	1811	-	-	M. & B.
	Henry	1811			
27	Pierce Noland, sen.	-	-	-	C. & R.
	Isaam Strange.				
28	Frederick Arnold	1810	-	-	M. W. P.
29	Widow Lee and Son	1812	-	-	M. & B.
30	Needham Mash	1810	-	-	J. J.
	Ponder	1809			
31	William Newman	1807	-	-	C. & R.
33	James, Samuel, Alexander, Robert, and John Scott	1807	-	-	Coit.
35	Robert Greaves	1811	-	-	J. J.
	Ponder	1812			
	Mathias Cook	1810	about the line uncertain.		

13o. The plaintiffs offered in evidence a certified copy of the will of James Johnston, dated 1st of August, 1817; which document is in the words and figures following, to wit:

This is my olographic will, JAMES JOHNSTON.
(Signed) JAMES JOHNSTON,
Ne varietur.
" J. PITOT, *Judge.*
" Ne varietur. J. PITOT.

In the name of God, amen, I, James Johnston, of the city of New Orleans, considering the uncertainty of this mortal life, and being of sound and perfect mind and memory, blessed be the Almighty God for the same, do make and declare this instrument, which is all written, signed, and dated in my hand, to be my last will and testament, in the manner and form following, to wit: after the payment of all my just debts, I give and bequeath and devise all rest, residue, and remainder of my estate of every description, whether real, personal, or mixed, moveable or immoveable, unto my dear children, namely, John, George, Harriet, and Isabella, at present residing with Mr. Wm. Poole, rector of the academy, in the parish of Borgne, near Kirkendbright, in Scotland, to be divided between them in equal proportions, and to be respectively paid to them as soon as they shall respectively reach the age of twenty-one years; but until they shall arrive at that age, the property shall be invested by their hereinafter named tutors, in stock of one of the banks of the city of New York, and the interest thereof, for or such part of the interest thereof as shall be necessary for their education and expenses, shall be appropriated to that purpose. In case of the demise of any or either of my said children before having arrived at the age aforementioned, without issue, then the survivor or survivors of them shall equally and jointly inherit the portion or portions of the deceased, but if they die leaving issue, then such child or children shall inherit the father or proportion. Further, in case they should all unhappily die, it is then my will that my brother George Johnston, of New York, merchant, shall succeed thereto, and become heir to the whole thereof, and in case of his death, that the same be divided equally between the children of my brother John and the children of my brother Thomas, namely, share and share alike for each of their families. I hereby nominate and appoint, as tutors of my said children, my esteemed friends Messrs. William Beck, of Balmangun, Alexander McCartney, of Barloca, and Wm. Johnston, of Kirkendbright, all three residing in that part of Great Britain called Scotland, any two of them whom shall be sufficient and have full power to educate the children, at such place or places and in such manner as they may deem most suitable. I hereby give and bequeath to my brothers George, William, John, and Thomas, ten guineas each for mourning rings, and to Wm. Beck, Alexander McCartney, Wm. Poole, Thos. L. Harman, John Davidson, Denis Delaronde, and Nathaniel Cox, ten guineas each for similar purposes. I

hereby revoke all former wills by me at any time made. I do nominate and appoint executors hereof my much esteemed friends Thomas L. Harman, John Davidson, Denis Delaronde, and Nathaniel Cox, or the survivors of them, and do hereby grant them the seizin of all my estate, and authorize them to take possession thereof after my decease judicially or extra judicially, and to make an inventory thereof, and to sell, dispose of, and liquidate the same, and to do all acts in relation thereto without the interposition of justice, and as soon as possible to remit the proceeds thereof to the attorney whom the tutors of my said children may appoint in New York to receive the same. In witness whereof I have hereunto set my hand this first day of August, in the year of our Lord eighteen hundred and seventeen.

Signed, JAMES JOHNSTON.

Ne varietur.

Signed, J. PITOT, *Judge*.

A true copy.

[SEAL.] (Signed) J. R. VIENNE,
Deputy clerk.

14°. The plaintiffs offered in evidence a certified copy of probate proceedings of the court of probates, in and for the city of New Orleans, in the estate of James Johnston, dated 3d June, 1836, which document is in the words and figures following, to wit:

In the court of probates, in and for the parish and city of New Orleans.

JOHN JOHNSTON, George Johnston, and Harriet Johnston, testamentary heirs,
vs.
NATHANIEL COX, testamentary executor of James Johnston.

Friday, June 3d, 1836.

This cause was submitted for decision on the 30th day of May last past, and the court after due examination of the will of the deceased, and of the petition and evidence, is satisfied that the petitioners John Johnston, George Johnston, and Harriet Johnston, (with the consent of and assisted by her husband, James Marshall,) are the children and testamentary heirs of the late James Johnston, deceased, and accordingly recognise them as such, and order that they be put in possession of all the effects and property, rights and credits, of said succession under benefit of inventory.

New Orleans, 10th June, 1836.

Signed, J. BERMUDEZ, *Judge*.

A true copy.

[SEAL.] (Signed) THOS. C. POOLE,
Clerk.

15°. The plaintiffs offered in evidence a certified copy of probate proceedings of the court of probates, in and for the parish and city of

New Orleans, in the succession of George Johnston, which document is in the words and figures following, to wit:

To the honorable the court of probates, for the parish and city of New Orleans.

The petition of John Johnston, and of Harriet Johnston, wife of George Sweany, hereto duly authorized, and both residing in New Orleans:

Respectfully shews, that your petitioners, together with George Johnston and Isabella Johnston, were children of James Johnston, and his testamentary heirs; that said James Johnston died, and his succession was opened about the year 1818 or 1819, in this court; that said Isabella died while still in infancy, and that the mother of said petitioners died about the same time that the death of said James Johnston occurred; that in the year 1836, your petitioners and said George Johnston were duly recognised as the sole heirs of the succession of their said deceased father, and put into possession of his estate by a decree of this court; and that the said George Johnston died in the year 1839, in New Orleans, unmarried, without issue, and without ascendants surviving him.

That your petitioners, the said John and Harriet, are his brother and sister, his nearest relations in blood, and his only heirs at law, and that petitioners are willing and desirous of accepting his succession purely and simply, and of being recognised and put in possession of the same as such heirs, and identify the property belonging to said succession; your petitioners have prepared and here annex a schedule thereof, which they pray may be taken as a part of this petition:

Wherefore, petitioners pray that the testimony of witnesses be heard and reduced to writing, and filed in this court, and that the court will decree and order that your said petitioners are and be recognised as the sole heirs of said deceased, and be put into possession of the succession of said deceased.

"Signed," HARRIET J. SWANEY,
JOHN JOHNSTON,
BENJAMIN & MICON,
Of counsel.

Witnessed by
JOHN HART.

Order.

Considering the testimony adduced, it is ordered that the petitioners be put in possession of the estate of the late George Johnston.

New Orleans, 7th May, 1845.

(Signed) J. BERMUDEZ, *Judge.*

I certify the foregoing to be a true copy of the original on file in my office.

Given under my hand, and seal of the second district court of New Orleans, this sixth day of March, A. D. 1849.

[SEAL.] (Signed) THOS. C. POOLE, *Clerk.*

The evidence on the part of the plaintiffs here closed, and no evidence was offered on the part of the defendants.

And afterwards, at the February term of this court, to wit, on the 21st day of April, 1849, the following judgment was rendered and entered of record in this case, to wit:

J. AND H. JOHNSTON vs. The UNITED STATES. } No. 11.

This cause came on for hearing at the present term, to wit, on the sixth day of March ultimo, on the petitions, answers, replication, exhibits, and proof of record, and was argued by counsel for the complainants, and the district attorney of the United States for the defendants; and the court being duly advised in the premises, and having fully considered the case, on this day rendered its opinion and decree as follows:

The petitioners claim the tract of land in controversy, by virtue of a purchase of thirty-five thousand arpents of land from the Spanish government, by Manuel de Lanzos, a captain in the army, who had then retired from service. The proceedings to effect the purchase were commenced in the year 1803. The survey of the land was made by Sebastian Pintado in November, 1803, and approved by Carlos Trudeau, the surveyor general of the province, on the 25th day of that month. The land was formally appraised and fully paid for in December, 1803, and a perfect title to the tract executed and delivered by Juan Ventura Morales, the intendant general, on the 2d day of January, 1804.

The seal and signatures of the Spanish officers who issued the concession are proved by Mr. Bernard Marigny, a living witness, who also proves that the grantee was a resident of Louisiana before and after the cession of the country by France to the United States.

James Johnston, who had acquired a large part of the tract by mesne conveyances under the original grantee, duly presented it to the commissioner for the adjusting of land titles in the St. Helena district, and it was recorded as claim No. 153, in book F, page 442, (vide American State papers as to lands, Vol. 3, page 55.)

The petitioners exhibit the mesne conveyances, and prove, by the records of the late court of probates, that they are the only heirs of the said James Johnston.

For the reasons given at length in the case of Joseph Reynes against the United States, (No. 10 of the docket,) the court is of the opinion that the petitioners have a valid claim to such part of this tract of land as was acquired by their father, James Johnston; that their claim is guaranteed by the treaty of cession of Louisiana to the United States, and the laws of nations, and that they are entitled to the relief granted by the act of Congress, approved the 17th day of June, 1844, entitled, "an act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of

Mississippi and Alabama, south of the thirty-first degree of north latitude, and between the Mississippi and Perdido rivers," and the act approved the 26th day of May, 1824, to which it refers, entitled, "an act enabling the claimants to lands within the limits of the State of Missouri, and territory of Arkansas, to institute proceedings to try the validity of their claims."

It is therefore, ordered, adjudged, and decreed, that the grant made by the Spanish government to Manuel de Lanzos on the 2d day of January, 1804, is valid against the United States, and that the land described in the said grant and survey by the surveyor general, Carlos Laveau Trudeau, of record herein as exhibit A, bounded west by the middle branch of Feliciana river, now called Thompson's creek; north by the dividing line, or line of demarcation between the States of Louisiana and Mississippi, on which line said grant runs three thousand one hundred perches; thence south eleven hundred perches; thence south eleven hundred and sixty perches; thence west to the middle branch of Thompson's creek, and up said creek to the place of beginning, so as to contain thirty-five thousand square arpents, more or less, belongs to the petitioners and others, holding under the original grantee.

And whereas, it is well ascertained that the greater part of said tract of land is now held by titles emanating from the United States, it is further ordered, adjudged, and decreed, that for all the lands within said limits so held, and which has been sold or otherwise disposed of by the United States, the claimants or parties interested shall be authorized to enter, after the same shall have been offered at public sale, the like quantity of land in parcels conformable to sectional divisions and sub-divisions in any land office of the United States in the State of Louisiana; and if it should so happen that in making such entries there should remain in the hands of the enterer a fractional excess of acres of a less number than the smallest sectional division authorized by law to be sold, the parties interested shall have the right to enter in virtue of such fractional excess the quantity of one half-quarter section of land, upon paying one dollar and twenty-five cents for each acre contained in such half-quarter section over and above the fractional excess to which he may be entitled by such confirmation.

Judgment rendered April 21st, 1849. Judgment signed April 26th, 1849.

(Signed) THEO. H. McCALEB, [SEAL.]
U. S. Judge.

And further, at the same term, to wit, on the 19th day of May, 1849, the following motion and order of appeal were entered of record in this case, to wit:

J. and H. JOHNSTON
vs. } 11.
The UNITED STATES.

Before the Hon. Theo. H. McCaleb.

Be it remembered, that on this nineteenth day of May, in the year

one thousand eight hundred and forty-nine, at the February term of the district court aforesaid, in his own proper person comes Thomas J. Durant, attorney of the United States for the district aforesaid, and on giving the court to understand and be informed, that the United States are injured and aggrieved by the judgment of this honorable court rendered againt them at this term, in the matter of J. and H. Johnston versus the United States, and desire appeal therefrom.

It is thereupon ordered by the court, that an appeal be allowed in favor of the said United States from the judgment aforesaid, returnable to the Supreme Court of the United States at the next term thereof after the date of this order.

Finis.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

I, Needler R. Jennings, clerk of the district court of the United States, sitting at New Orleans, in and for said district, do hereby certify, that the foregoing one hundred and nine folios (including plan between folios 21 and 22, and colored plat between 74 and 75) and (110th) seventeen lines, contain and form a true, faithful, correct, and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain cause in chancery wherein J. and H. Johnston are plaintiffs, and the United States of America are defendants. No. 11 of the land docket of said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at the city of New Orleans, this tenth day [SEAL.] of September, one thousand eight hundred and forty-nine, and the 74th year of American independence.

N. R. JENNINGS,
Clerk U. S. district court, eastern district of Louisiana.

I, Theodore H. McCaleb, judge of the district court of the United States for the eastern district of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was, at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due, and ought to be given, to all his attestations as such clerk, and that his above certificate is in due form of law.

Witness my hand and seal, at New Orleans, this twenty-fifth day of September, A. D. 1849.

THEO. H. McCALEB. [SEAL.]

The United States of America, to John Johnston and Harriet Johnston, residents of the city of New Orleans, heirs and representatives of James Johnston, deceased, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to an order of appeal, granted on the nineteenth day of May, 1849, by the district court of the United States, in and for the eastern district of Louisiana,

in a certain cause in chancery (under the acts approved May 26th, 1824, and June 17th, 1844,) entitled J. and H. Johnston vs. the United States, wherein the said United States of America are now appellants, and you are appellees, to show cause, if any there be, why the judgment rendered against the appellants, as in the said order of appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness hereto my hand, and the seal of the said court, at the city of New Orleans, this twenty-fourth day of September, A. D. 1849.

[SEAL.]

THEO. H. McCALEB, [SEAL.]
Judge of U. S. district court, eastern district of Louisiana.

I. T. PRESTON,
And G. T. RICE,
Attorneys.

Attest:

ROBT. M. LUSHER, *Clerk.*

Marshal's return.

Received Oct. 9, 1849, and on the 17th October, 1849, served a copy of the within citation of appeal on I. T. Preston, esq., one of the attorneys for the plaintiffs, by handing the same to him in person at New Orleans, and who at the time accepted service for the plaintiffs.

M. M. THOMAS,
U. S. dep. mar., E. D. Louisiana.

Returned 19th October, 1849.
Return registered 19th October, 1849.

ROBT. M. LUSHER,
Dep. Clerk.